

February 1936

Volume XLV, No. 2

NATIONAL MUNICIPAL REVIEW

- One Way to Stop Slums
- The Fading Almshouse
- States in Chancery — *Editorial*
- Arising from the Ruins

Manager Plan Breaks

All Records: 111 Added

PUBLISHED BY THE NATIONAL MUNICIPAL LEAGUE

National Municipal Review

Carl H. Pforzheimer Building, 47 East 68th Street, New York 21, N. Y.

ALFRED WILLOUGHBY, Editor

ELSIE S. PARKER, ASSISTANT EDITOR

CONTRIBUTING EDITORS

JOHN E. BEBOUT
WILLIAM N. CASSELLA, JR.
RICHARD S. CHILDS
SAMUEL K. COVE
GEORGE H. HALLETT, JR.

VICTOR JONES
JOHN P. KEITH
H. M. OLMSTED
WADE S. SMITH
WM. REDIN WOODWARD

STATE CORRESPONDENTS

H. F. ALDERFER, Pennsylvania
BRUCE R. ANDREWS, Wisconsin
CARTER W. ATKINS, Connecticut
CHESTER BIESEN, Washington
D. BENTON BISER, Maryland
ERNEST M. BLACK, Oklahoma
JOHN C. BOLLENS, California
WILLIAM L. BRADSHAW, Missouri
A. C. BRECKENRIDGE, Nebraska
ARTHUR W. BROMAGE, Michigan
FRANKLIN L. BURDETTE, Maryland
CHARLTON F. CHUTE, New York
WELDON COOPER, Virginia
C. A. CROSSER, Washington
PAUL DOLAN, Delaware
D. MACK EASTON, Colorado
WILLIAM O. FARBER, South Dakota
VICTOR FISCHER, Alaska
FOREST FRANK, Ohio
DAVID FUDGE, Oklahoma
ROBERT M. GOODRICH, Rhode Island
MRS. LEONARD HAAS, Georgia
M. H. HARRIS, Utah
SAM HAYS, Arkansas
ROBERT B. HIGGS, Alabama
EDWARD H. HOBBS, Mississippi
JACK E. HOLMES, New Mexico
ORREN C. HORNELL, Maine
WALTER E. KALOUPEK, North Dakota
HERMAN KEHRLI, Oregon

JOSEPH A. KELLY, Rhode Island
PAUL KELSO, Arizona
DAVID C. KNAFF, New Hampshire
DRYDEN KUSER, Nevada
JOHN D. LANGMUIR, New Hampshire
STUART A. MACCORKLE, Texas
BOYD A. MARTIN, Idaho
EDWARD M. MARTIN, Illinois
JAMES W. MARTIN, Kentucky
JAMES W. MCGREW, New Jersey
DAYTON D. MCKEAN, Colorado
EDWIN B. McPHERON, Indiana
WILLIAM MILLER, New Jersey
LENNOX L. MOAK, Pennsylvania
ANDREW E. NUQUIST, Vermont
KIMBROUGH OWEN, Louisiana
FRANK W. PRESCOTT, Tennessee
JOHN E. REEVES, Kentucky
ROLAND R. RENNE, Montana
RUSSELL M. ROSS, Iowa
ALBERT B. SAYE, Georgia
VICTORIA SCHUCK, Massachusetts
LOYD M. SHORT, Minnesota
GEORGE C. SIPPRELL, New York
PAUL D. STEWART, West Virginia
ROBERT H. STOUDEMIRE, South Carolina
JOHN C. STUTZ, Kansas
HERMAN H. TRACHSEL, Wyoming
PAUL W. WAGER, North Carolina
YORK WILLBERN, Alabama

JOHN F. WILLMOTT, Florida

Published by NATIONAL MUNICIPAL LEAGUE

George H. Gallup, President

John S. Linom, Vice President
William Collins, Vice President

Richard S. Childs, Chairman, Executive Committee

COUNCIL

Cecil Morgan, New York, Chairman

Arthur W. Bromage, Ann Arbor, Mich.
E. Bartlett Brooks, Dayton, Ohio
Henry Bruden, New York
William H. Bulkeley, Hartford
W. Howard Chase, Hoboken, N. J.
Charles E. Commander, Jr., Jacksonville
L. P. Cookingham, Kansas City, Mo.
Harold W. Dodda, Princeton, N. J.
Charles Edison, West Orange, N. J.
Herbert Emmerich, Chicago
Bayard H. Faulkner, Montclair, N. J.
Arnold Frye, New York
Thomas Graham, Louisville
Francis A. Harrington, Worcester
Harry T. Lee, Indianapolis
Mrs. Siegal W. Judd, Grand Rapids
Myron C. Law, Seattle

Bruce H. McLeod, Springfield, Mass.
L. E. Marlowe, Richmond, Va.
Roscoe C. Martin, Syracuse, N. Y.
Frank C. Moore, Kearney, N. Y.
Vernon C. Myers, New York
Otto L. Nelson, Jr., Princeton, N. J.
Mrs. Maurice H. Noon, Des Moines
James M. Osborn, New Haven, Conn.
H. Bruce Palmer, Newark, N. J.
Kenneth Perry, New Brunswick, N. J.
Lawson Purdy, New York
Robert H. Rawson, Cleveland
Arthur B. Richardson, New York
Philip K. Robinson, Milwaukee
Murray Seashongood, Cincinnati
Lee M. Sherrin, Houston
James A. Singer, St. Louis

George S. Van Schaick, New York

REGIONAL VICE PRESIDENTS

Jac Chambliss, Chattanooga
Ben B. Ehrlichman, Seattle
John B. Gage, Kansas City, Mo.
Carl J. Gilbert, Boston
Harry Goldwater, Phoenix
Lloyd Hale, Minneapolis
Arthur E. Johnson, Denver
Mark S. Matthews, Greenwich, Conn.

Cecil Morgan, New York
John Nevins, Chicago
Ed. F. Phillips, Richmond
Thomas R. Reid, Dearborn, Mich.
Charles P. Taft, Cincinnati
Alex R. Thomas, San Antonio
Carlton B. Tibbetta, Los Angeles
James E. Webb, Oklahoma City



Telev viewers coast to coast saw this flowery eagle in the Tournament of Roses parade as it carried eleven girls representing the eleven All-America Cities. The float was entered by Riverside, California, one of the 1955 winners.

Awards Given at Gala Affairs

Colorful parades, dinners and impressive ceremonies during January accompanied the presentation of certificates and flags to the citizens of the eleven winning cities in the All-America Cities contest for 1955.

The awards were presented by officers of the National Municipal League and by representatives of *Look* magazine, co-sponsors of the contest.

The contest came before the nationwide television audience January 2 when the float of Riverside, California, one of the winning cities, appeared in the Tournament of Roses Parade at Pasadena in the form of a giant eagle made of flower blossoms.

Riding on the wings of the eagle were eleven girls representing the All-America Cities. At the rear of the float was a city hall rising out of a replica of *Look*. The girls, chosen by their respective communities, some of which conducted contests for the purpose, were guests of Riverside at the tournament and at the Rose Bowl game.

George H. Gallup, League president and foreman of the jury which heard

the stories of competing cities at the National Conference on Government in Seattle last July and chose the winners, presented awards at a televised ceremony in Savannah, Georgia, on January 6, and in Phenix City, Alabama, the following day. An open-air ceremony at the latter city, bathed in southern sunshine, was attended by Governor James E. Folsom, more than 100 mayors of the state's cities, and by other notables. The ceremony was preceded by a parade which included many floats and bands of sixteen high schools competing for prizes and was followed by a banquet, a barbecue, fireworks and a dance.

Grand Island, Nebraska, pulled out all stops for its celebration, calling "Miss America of 1956" back home from college in Denver, and including her sister, runner-up in the Miss Universe contest, another girl who won the recent Miss All-America contest, a local All-America football player, and a local actor who made good in Hollywood. The certificate was presented by Harry J. Kruz, of Lincoln, Nebraska, who served on the All-America Cities jury.

(Continued on next page)



George Gallup, NML President, presenting award certificate to Mayor Clyde Knowles of Phenix City, Ala. The widow and son of A. L. Patterson, whose murder touched off the clean-up of the "sin city," are at right.

AWARDS

(Continued from previous page)

Cambridge, Ohio, "realized the biggest moment of its 158 years," according to *The Daily Jeffersonian*, by burning all the discarded Christmas trees the night before the huge parade with many colorful floats, 200 horses and ten bands. Distinguished guests were entertained at dinner at the Cambridge Country Club and the award was presented at ceremonies at the Scottish Rite Auditorium in the evening by E. D. Dodd, member of the League's Council.

Mayor Etta M. Reid, one of the few women holding such positions, raised the blue and white flag "PORT HURON, ALL-AMERICA CITY," chaperoned "Miss Port Huron" to the Tournament of Roses, and accepted the certificate of award from Robert J. Whan, representing the League.

Phillip K. Robinson, NML Council member, presented the certificate to Mayor James P. Hennessey of Joliet, Illinois, at an overflow banquet at American Legion Hall.

(Continued on page 103)



E. D. Dodd, NML Council member, presenting award certificate to Mayor Russell B. Diehl (right) of Cambridge, Ohio.

Below—Mayor Etta M. Reid, aided by Robert L. Ramsey and Wilbur J. Norris, co-chairmen of local steering committee, raises All-America flag over Port Huron, Michigan.



National Municipal Review

Volume XLV, No. 2

February 1956

Published monthly except August by the National Municipal League

NEWS OF THE LEAGUE	49
Awards Given at Gala Affairs	49
EDITORIAL COMMENT	52
States in Chancery	<i>The Economist</i> , London 52
ONE WAY TO STOP SLUMS	<i>Murray Teigh Bloom</i> 54
THE FADING ALMSHOUSE	<i>Clyde F. Snider</i> 60
ARISING FROM THE RUINS	<i>Roger H. Wells</i> 66

News in Review

CITY, STATE AND NATION	<i>H. M. Olmsted</i> , Editor 72
Manager Adoptions in 1955 Break Record	72
COUNTY AND TOWNSHIP	<i>Victor Jones and William N. Cassella, Jr.</i> , Editors 80
New Approach to Metropolitan Areas	<i>Estal E. Sparlin</i> 80
PROPORTIONAL REPRESENTATION	<i>George H. Hallett, Jr., and Wm. Redin Woodward</i> , Editors 83
Cincinnati Recount Triumph for P. R.	<i>Forest Frank</i> 83
TAXATION AND FINANCE	<i>Wade S. Smith</i> , Editor 88
Earmarking—How to Lose Control	88
CITIZEN ACTION	<i>Elsie S. Parker</i> , Editor 91
The New York Revolution	91
RESEARCHER'S DIGEST	<i>Samuel K. Gove</i> , Editor 96
Study Ala. Public Health Program	96
BOOKS IN REVIEW	99

Entered as second class matter July 11, 1932, at the Post Office at Worcester, Massachusetts. Publication office, 150 Fremont Street, Worcester 3; editorial and business office, Carl H. Pfersheimer Building, 47 East 68th Street, New York 21, N. Y. Copyright 1955 by the National Municipal League. Subscription, \$5 per year; Canadian, \$5.25; foreign, \$5.50; single copies 50 cents. The contents of the REVIEW are indexed in *International Index to Periodicals* and *Public Affairs Information Service*.

Editorial Comment

States in Chancery

EDITOR'S NOTE.—This article is reprinted from *The Economist* of London, November 19, 1935, as an example of mature, discerning and penetrating reporting and comment that might well be emulated by at least some of our native journalists.

Washington, D.C.

IN most parts of the country voters who bothered to take part in last week's state and local elections found the ballot papers cluttered up as usual with lengthy constitutional amendments and other types of legislation referred to the people for final decision. The bulk of these proposals were there to be voted on because, in all but eight states, the elected representatives of the people are treated as wards in chancery when it comes to raising loans for public investment. Altogether, \$1.4 billion worth of bond issues, mainly for building roads and schools and improving water supplies, were up for approval this year; the voters surprised everyone by rejecting about two-thirds, by value, of the projects, but this was largely because New York's \$750 million highway issue was disapproved.

Forty states have tied themselves up in their constitutions with every variety of debt limitation. Their legislatures are either not allowed to go into debt on their own at all or they are held down by debt ceilings, most of which are by modern standards unrealistically low. California's, for example, is \$300,000. Twenty of these states can raise the limit, for specific purposes, by legislation, in some instances requiring a special

majority, followed by a popular referendum. The remainder require the complicated panoply of constitutional amendment, with whatever that may involve in the way of fancy majorities in the legislature or passage through two successive legislatures before going on the ballot as a referendum.

Many state constitutions breathe distrust not only of the legislature's discretion in handling the state's affairs but of its ability to regulate those of lower levels of government. In 29 states an absolute limit is imposed on the debt of each unit of local government, varying from 2 per cent of the assessed valuation of property in Kentucky and Indiana to 20 per cent in Florida and 25 per cent in Louisiana. Elsewhere the control of municipal and other local debt is by ordinary state statute which is often just as stringent as a constitutional clause but rather easier to change.

It must be admitted that there is plenty of historical justification for these fetters on representative government. Far too often in the past have states and cities ended up a spending spree with their "full faith and credit" rolling in the gutter. Moreover, there is some merit in forcing state and municipal planners to "sell" their development schemes to the people before they get the funds they need. Perhaps the electioneering for bond issues does help to generate a sense of local pride and participation in new schools, highways and hospitals, although the low voting

figures usual in referenda invite scepticism.

But, on the other side of the ledger, the present archaic restrictions have a great deal to answer for. Lack of trust in the representative principle breeds loss of responsibility. The recent report of the Kestnbaum Commission, on the relationships between the federal and state governments, showed conclusively that structural weaknesses in state and local government, many of them the result of a masochistic piling on of prohibitions following the exposure of old scandals, were the main cause of the flow of power toward Washington. Economic expansion and a rapidly rising population guarantee an unrelenting pressure for fresh public services. If states, cities and local school districts cannot provide them, they will inevitably be bypassed in favour of federal action or resort to *ad hoc* bodies outside the normal democratic structure. One highly topical case in point is that of school construction. . . . School districts depend on the property tax, and in most states have to work within tax and debt ceilings fixed as percentages of assessed valuation. But most property is hugely, and unevenly, under-assessed. Artificial obstacles such as these have been the excuse for passing school and other problems up the line to the states, who in turn agitate for federal grants-in-aid.

Matters that cannot be passed upwards are passed sideways. At a time when, after Herculean labours, the vastly excessive number of local governments is being reduced, special districts are still being created to run

particular functions for no other reason than that they can be provided with taxing and debt limits of their own. Even more remarkable, since they are a relatively new feature, are the dummy corporations, set up by state law to issue bonds based not on the full faith and credit of the state but on the revenue which the new facility will bring in or on the proceeds of an earmarked tax. Some states . . . manage to carry completely debt-free books by organising a whole series of "public authorities" to which are delegated responsibilities proper to the state. The results are that government is further fragmented and that public works cost the people more, since interest rates are anything from $\frac{1}{2}$ to $1\frac{1}{2}$ per cent higher when bonds are not state-guaranteed.

But perhaps the most dangerous effect of these limitations is the obstacle they put in the way of long-term economic planning by the states. The natural tendency of politicians, considering the delay, labour and expense of holding referenda, is to put them off until the need is staring the electorate in the face. This often results in uneven, uncoordinated spurts in state and local expenditures. The planners are tempted to give exaggerated emphasis to those features of their programme which look dramatic on an election poster. It is practically impossible to ask for reserve power to float issues which will not be used until an economic recession requires a quick increase in public spending, but when this moment comes the chances of referenda being carried are liable to decline.

(Continued on page 71)

One Way to Stop Slums

Los Angeles gets legal big stick but speaks softly to win voluntary action by blight area home owners.

By MURRAY TEIGH BLOOM*

FOR the past three years a persistent, persuasive fellow named Gilbert E. Morris has been running a promising revolution in Los Angeles involving three related and explosive H's—housing, humans and honesty. As a result the city is well on the way to saving 60,000 homes and apartments from blight and decay, and the country has a detailed and tested plan that can be adapted to solve a pressing problem: what to do about the one million homes and apartments that slide into the slum category every year.

So acute is the problem that "prevention of the spread of blight" was first in the order of recommendations of President Eisenhower in his housing message to Congress in 1954. At one time or other many cities have grappled with the problem and have tried expensive federal and city housing projects or spectacular but short-lived "Fix and Paint Weeks." But still the decay of homes and apartments goes on.

People and politicians often stand in the way of improvement, city officials say. "Even an honest mayor

will hesitate a long time before incurring a sure loss of votes and campaign funds by strict enforcement of a housing code," I was told. They also point to the wrath of families displaced by housing projects or forced to pay higher rents in renovated buildings. It was summed up recently by a politician who told Gilbert Morris with unintentional humor:

"Remember, Gil, when you start fooling around with housing law enforcement you hit people where they live."

As Los Angeles' superintendent of building and as past president of the American Society of Building Officials, Gil Morris knew all the problems. Yet in 1952 he decided to gamble his long career as a city housing official on a bold program based on the premises that (a) most people are smarter than politicians think they are and (b) people will always spend money for a real bargain.

It was a particularly good year to start. Los Angelenos had just voted down further public housing programs. Most of the privately financed new apartments or homes were being built for middle and upper income families. The city's 60,000 substandard dwelling units were getting worse and becoming more numerous with each passing year. First homes, then blocks, then

* Mr. Bloom has been a free lance writer for magazines of national circulation since 1940. His articles have appeared in *Collier's*, *Coronet*, *Reader's Digest*, *This Week* and many others. Previously he had been a newspaperman on the staff of the *New York Post*. While studying at Columbia University, Mr. Bloom won a prize in government—the James Gordon Bennett Memorial Award.

entire neighborhoods were being blighted.

Morris asked the city council for three weapons. He wanted an ordinance that required property owners to bring their homes and apartments up to current standards and the right to condemn properties of stubborn holdouts. In the past the onus had been on the city to take court action to compel a landlord to meet modern standards. Often the landlord's lawyer would see to it that the case dragged through the courts for years until the city lost interest. But now with the new ordinance Morris could act swiftly.

He also asked for a concentration of responsibility of housing inspection in his department. He explained that unscrupulous landlords took advantage of the fact that inspection duties were often divided between the building, health and fire departments by playing off one inspector against another.

And finally Gil Morris asked for more housing inspectors. At first he got a lot of private grumbling. One friendly official put it bluntly: "Gil, you know we don't need any more 'takers' on the payroll." Morris had expected this. He knew that many builders and contractors looked upon building inspectors as "wise guys always holding out their palms."

But since 1941, when he was appointed to his present post, Morris had carefully weeded out the "takers." He had also instituted a unified record supervisory system that made it just about impossible for inspectors to "lose" damaging records conveniently. In addition, Morris explained: "Supervisors watch the in-

spectors, I watch the supervisors and you and the people watch me."

Impressed with Morris's record of accomplishments, the city council granted him his three wishes.

From the start Morris looked upon the new ordinances as "a handy club to keep in the closet—available but out of sight. I didn't want to get snarled up in court actions. What we needed was a kind of selling program no city had ever undertaken: we were going to sell good housing from door to door. So we had to train our inspectors to be good salesmen. It was up to them to persuade home owners and landlords that bringing their properties up to date was a good idea, not because we could clobber them with the new ordinance but because they'd be making money for themselves by going along with us."

A Test Case

Morris decided to test his new approach on one of the biggest property owners on the west coast, Ben Weingart, a self-made multimillionaire. Morris carefully prepared charts showing exactly how far in value Weingart's many properties had slipped because of neglect and because the neighborhoods in which they were located had gotten some measure of blight. "I showed him that 'blight' wasn't just a fancy word for the do-gooders; it was a word that meant many thousands of dollars out of his own pocket. We went further: we made careful estimates of how much he would have to spend to bring his properties up to date and how over a period of years his investment would pay off handsomely."

In time Morris got Weingart to agree. Weingart has already spent more than one million dollars rehabilitating his properties in and around Los Angeles downtown Skid Row section and another \$1,200,000 on the better apartments he owns. Says Weingart today: "It was good business. We're making money on the investment."

But Weingart's action caused no tidal wave of rehabilitation by lesser property owners. "Sure, Weingart, he can afford it, but my case is different," Morris and his inspectors kept hearing. Morris wasn't surprised. He knew that 82 per cent of all substandard houses in Los Angeles were owned by the families living in them. To persuade these home owners was a far tougher job than convincing Ben Weingart.

Worst Areas First

When Gil Morris picked Pacoima as a test area for his plan of rehabilitation, he deliberately chose a neighborhood where the odds were heavily against him. Pacoima, on the wrong side of the tracks in the San Fernando Valley, has 25,000 people, many of them Mexican immigrant families. Selecting the worst 45 blocks in the community, Morris assigned to them a carefully trained inspector, Fred S. Reid.

Cheerful and optimistic as he is, Reid cringed after a day's survey of the area—a jungle of tents, broken-down trailers, rusty iron huts, "homes" made of box lids, corrugated iron and other discarded materials. Yet these weren't squatters, living on someone else's property illegally. Nine tenths of the people in those

blocks owned their lots. Reid now understood why the city's Urban Redevelopment Committee had marked the area as being "beyond reclaiming."

To make matters worse, there was the language barrier, and the fact that decades of neglect by the city had convinced these people that nothing good could come out of a visit by a city inspector, an "Anglo" at that.

Reid started learning Spanish the second day on the job. He also deliberately inspected the houses owned by absentee landlords first, so as to convince the other owners that the "rich" would not be exempt because of "pull." Soon Reid won over one of the most respected Mexican residents, P. M. Gomez, who owns the largest grocery in the area.

"First thing," Gomez told Reid, "we gotta get streets in. Nobody will paint a house here. Dust from the road soon makes it look old and dirty again so why paint?" So in their evening free time the Reid-Gomez team went door-to-door to get the residents to sign a paving petition to cost \$10 a foot of frontage and to be paid over a ten-year period. At city hall, Reid personally processed the petition to make sure it wouldn't get lost in the shuffle.

When Pacoima's Mexicans began to get confidence in Reid and his integrity, he had to protect them from "home modernization" racketeers. With each list of repairs that had to be made, the home owner was given a close approximation of what the repairs *should* cost. Better still, some of Morris's trained engineer-inspectors carefully explained to each family what parts of the job they could

do themselves so as to save money; and how they could trade work with other families, much in the manner of frontier barn raisings.

Some 15 per cent of the dwellings were found to be utterly hopeless and had to be torn down. Those who were displaced often found that the increased value of their lot—as the rest of the neighborhood improved—made it worth while for them to get a bank loan to build a new home on the land. As property values rose, some of the residents decided to found their own savings-and-loan bank to encourage new building. In the past no banker would have dared lend any money for building or home improvement in the area.

Psychology Helps

Applied neighborhood psychology was brought to bear on the holdouts. When most of a block was rehabilitated Reid would get the neighbors together to point out that the one or two holdouts were now eyesores. Of course he could take the owner to court and force him to make the repairs, but there was a better way: the man would listen to his neighbors. Almost invariably, the first visit of a neighborhood delegation worked magic.

Today the area is transformed. The clean, paved streets and sidewalks, the street lighting, the neatly painted fences, the newly modernized homes, the neat backyards make the neighborhood a good, decent place to live. The combined value of the homes and lots has increased fourfold. Now for the first time the orange canna flowers, the stately palms and the spreading banana

plants look as if they belong in the area instead of being incongruous misfits in a tawdry, man-made slum.

Encouraged, Gil Morris turned his inspectors to a Negro section where the incomes were even lower and the houses, although more substantial, were older and neglected longer. Here, too, Morris's inspector-salesmen found that the persuasive method and neighborhood psychology worked. A great help was the fine example set by Peter Williams, an 82-year-old Negro in a wheelchair who had lost his legs. Williams owned three buildings in which the inspectors found violations that would cost about \$1,000 to repair. Although he hadn't been able to work for years, Williams decided he would help in the rehabilitation of his houses: he painted four-and-a-half-foot-wide bands around each of the houses—as high as he could reach from the wheelchair—and then let professional painters take over. A year later, with all the improvements made, the value of the houses had increased \$3,000.

In many cases inspectors were able to show landlords how they could add to the occupancy of the houses by making certain additions legally. In this way there was surprisingly little dislocation of families in the neighborhood even though about 12 per cent of the buildings had to come down.

Gil Morris also assigned a squad of inspectors to Los Angeles' leading hotels and office buildings. In one hotel they found more than 400 separate violations—some quite serious—which would cost \$200,000 to correct. One of the furious hotel owners fumed:

"Listen, Morris, why don't you keep your blasted inspectors out in the Mex and colored districts where they're needed? You can't treat this hotel as if it's a slum!"

Morris's answer was: "It would be pretty bad if one of those slum homes had a fire because of a building violation; but it would be a calamity if hundreds of guests were trapped in your hotel in a fire because of a violation, wouldn't it?"

But the first open fight Gil Morris got came from an area that represents the really tough problem of rehabilitation—the neighborhood that is well on the way to becoming a slum but isn't one yet.

McArthur Park was once a well-to-do residential area. As the city expanded, the large old homes became rooming houses and shabby hotels. During World War II, with an insatiable demand for housing, city officials looked the other way when thousands of apartments in the neighborhood were illegally subdivided with flimsy partitions. Rubber hosing snaked all over the houses to bring gas to illegal hotplates in jerry-built kitchens. Every year more than 40 deaths occurred because of these gas outlets, used for cooking and heating.

Going through the houses one by one Gil Morris's inspectors found that more than 200,000 corrections had to be made. An angry Small Property Owners League denounced Morris bitterly. A few even refused his inspectors admission to their houses. Others attacked him at city council hearings. Some city officials suggested that Morris should press for a housing court to hear the hun-

dreds of cases that would result from prosecuting the bitter-enders in McArthur Park.

Recalling this troubled period now, Gil Morris says: "We could have had a housing court, but I kept thinking that if my inspectors and I generated a thousand cases a year at a cost of say \$1,000 apiece to the city, why that would be a million dollars and for that kind of money I can do an awful lot of good housing inspection. Besides I knew that, in time, we'd be able to persuade the McArthur Park property owners that what we wanted them to do was in their best interests."

Gets Cooperation

In the end, the furious members of the Property Owners League calmed down and started making the necessary changes. At this writing there are only four holdouts in the McArthur Park area—out of thousands of property owners. Morris is confident they will come around, too. "It's hard to resist an epidemic of improvement. When it starts spreading everyone catches it sooner or later."

Already the McArthur Park improvements are showing one major benefit: the annual toll of more than 40 deaths caused by faulty gas heaters and hotplates has been cut to a dozen and Morris knows that this figure will drop as all the improvements are installed.

Other benefits are visible too in Los Angeles. Gil Morris's determined attack has halted the advance of blight, and his 75 inspectors are beating it back block by block. Of the 12,000 slum houses and apartments

which his inspectors surveyed for rehabilitation, more than half are fully brought up to date; all of the 30,000 units checked for conservation from further decay have had some work done. In all, Morris thinks that the plan caused about \$100,000,000 to be spent for building supplies, labor and services in 1955. It cost the city government itself only \$550,000 in three years.

Other Changes Too

Certain other changes are noticeable, too. Vernon Hodge, principal of the Garfield Evening School in East Los Angeles, told me about some of them. "All of a sudden I noticed that the Mexicans started painting houses and doing their lawns and fixing windows. There was a general pick-up in the neighborhood. At first I thought maybe it was a matter of new people moving in but I checked and it wasn't. Then I found that there was suddenly a big upswing in registration for remedial English courses for foreign-born. Then I found out about Gil Morris's program and it added up. These people,

pleased with the result of improving their houses, started improving themselves, too. You might say it was a case of physical improvement leading to cultural improvement. And talking to other principals I found that school attendance by Mexican youngsters started increasing once the rehabilitation program got under way."

Several service clubs in Los Angeles, noting the vast improvement in many of the city's slum areas, have started giving prizes for the best rehabilitation jobs done in a neighborhood.

The impact of Gil Morris's work has spread beyond Los Angeles. Pasadena and Santa Monica are now going into rehabilitation work. Oakland is adapting parts of his program.

One old Negro woman in Los Angeles told an inspector: "Anyone can get those no-good neighbors of mine to fix their houses, he's got a lot of powerful magic handy!" Gil Morris smiles broadly when he recalls the incident. "Call it magic if you want to, but we don't have any monopoly on it. Any city can do what we did here."

Although the populations of present-day cities use to a large extent the means of transportation which have become plentiful and comfortable and leave therefore their domicile more easily than before, they remain not less attached to the city where they keep their more familiar and more constant contacts. It is in the city where the idea of the fatherland finds for the

great majority its most profound roots because it is there where one experiences most vividly the advantages of a good organization of society, the indispensable conditions and at times the damaging errors and the mistakes which have to be avoided. Also the city has exercised and continues to exercise a function of the first order in the civic education of citizens.

FROM AN ADDRESS BY POPE PIUS XII BEFORE THE TWELFTH CONGRESS OF THE INTERNATIONAL UNION OF LOCAL AUTHORITIES, ROME, SEPTEMBER 30, 1955.

The Fading Almshouse

Social security, outdoor assistance programs close many old style poor houses, improve those remaining.

By CLYDE F. SNIDER*

LONG a familiar landmark on the American political scene, the local almshouse or poor farm today is fading rapidly from the picture. Census Bureau statistics for the year 1922 reveal the existence at that time of more than 2,300 almshouses.¹ A questionnaire survey recently conducted by the writer indicates a substantial reduction in the number of such institutions as well as consider-

able over-all improvement in those remaining. Of the 1,974 counties in the 33 states from which pertinent data were received, 854 were reported as operating almshouses or equivalent institutions offering care for indigents.

Assuming that a somewhat similar proportion prevails among the other counties of the country, and making allowance for a sprinkling of almshouses operated by other governmental units, it appears probable that fewer than 1,400 such institutions are in operation today—a reduction of some 40 per cent within a single generation. Furthermore, a goodly number of present-day institutions, far from being almshouses of the traditional type, are in the nature of modern nursing homes for the chronically ill.

Some state homes of the almshouse or nursing home variety are to be found. New Mexico, where public assistance has always been state-administered, operates two homes for the aged and chronically ill. Delaware operates a single welfare home, without county institutions. Other states maintaining one or more state homes or infirmaries supplementary to local almshouses include Maryland, Michigan, Rhode Island, West Virginia and Wyoming.

In the New England states, with the exception of New Hampshire, almshouses are primarily a town re-

* Dr. Snider is professor of political science at the University of Illinois, specializing in state and local government. He has done research and consulting work for various state agencies in Illinois and elsewhere and is author of the book, *American State and Local Government* (Century Political Science Series), as well as of monographs and articles in his field.

¹ Estelle M. Stewart, *The Cost of American Almshouses* (Bureau of Labor Statistics, U. S. Department of Labor, Washington, 1925), page 8. The Stewart monograph reports on a survey covering 2,183 institutions as of the early 1920s and, as far as the present writer is aware, there has been no subsequent attempt at anything approaching a nation-wide study of almshouses. More recent reports have been made on several states, among them Lynn Robertson, J. B. Kohlmeyer and J. E. Losey, *Indiana County Homes and their Adaptation to Present Conditions* (Agricultural Experiment Station, Purdue University, Lafayette, Indiana, 1948); Robert H. Kirkwood, *Fit Surroundings: District Homes Replace County Almshouses in Virginia* (Virginia Department of Public Welfare, Richmond, 1948); William E. Cole and Russell R. Dynes, *Homes for the Homeless of Tennessee* (Division of University Extension, University of Tennessee, Knoxville, 1951); Violet M. Fischer, "Kansas County Homes After the Social Security Act," *Social Service Review* (December, 1943), pages 442-465.

sponsibility. Some town almshouses are still in operation in Connecticut, Massachusetts, Rhode Island and Vermont; and there are a few municipal almshouses in New England and elsewhere. Throughout most of the country, however, the institutional care of indigents is a county responsibility and, today, as has traditionally been the case, a large majority of the almshouses are county institutions.

Old Style Almshouse

The story of the traditional almshouse comprises a shameful chapter in the history of American welfare administration. Commonly of antiquated construction and dilapidated, the almshouse frequently constituted both a firetrap and a menace to the health of inmates. Lighting and ventilation were inadequate, food was of poor quality and insufficient in quantity, and sanitation facilities were most primitive. Facilities for medical care were virtually non-existent. The only doctor service available was that provided by a part-time "county physician" serving on a fee basis.

Into this institution the old and the young, the able-bodied and the sick, the mentally normal along with the feeble-minded, and sometimes even the insane, were herded together with little attempt at segregation. Appointed in most instances by the county governing body, the superintendent of the almshouse was usually a farmer, since one of his principal tasks was operation of the farm land which ordinarily constituted a part of the property and on which able-bodied inmates were expected to work. Some almshouses

were overcrowded while others were operated for so few that per inmate costs were exceedingly high.

During the early decades of the present century some improvements were effected, particularly in the direction of securing a more homogeneous institutional population. Insane and feeble-minded inmates were placed in state mental hospitals. Children, for the most part, were placed in children's institutions, publicly or privately operated, or cared for in the homes of relatives with public assistance in the form of "mothers' pensions," the forerunner of our present aid to dependent children.

With removal of the youthful inmates the almshouse became essentially an old folks home, though still housing both able-bodied oldsters and those suffering from various diseases. Here conditions stood when, in 1935, passage of the Federal Social Security Act provided the needed impetus for further improvement in the situation.

In inaugurating the program of federal grants-in-aid to the states for old-age assistance and aid to the needy blind, Congress forbade the use of federal funds for benefits to inmates of public institutions. It may be that the authors of the federal law deliberately sought, by this means, to bring an end to the almshouses and their attendant evils, believing that almshouse inmates would leave the institutions in order to qualify for the categorical grants and that, as a result, the local public institutions could be shut down. Whatever the intent, the federal legislation did result in the clos-

ing of many almshouses. Where a large proportion of the institutional population was able to qualify for old-age or blind assistance, local authorities frequently found it feasible to shut down the almshouse and make other arrangements for care of remaining inmates.

Where a county or town does not operate an almshouse, it must make some other provision for those persons who need care. Some are "boarded out" with private families, though this plan is feasible only where the amount of nursing care required is relatively small. Others are cared for in almshouses maintained by neighboring towns or counties or by the state; while in other instances care is provided in privately-operated nursing or convalescent homes.

Whatever method is used, the cost must usually be paid from the funds of the county or town of the indigent person's residence. There are, however, some exceptions to this general rule of local financial responsibility. Care in state institutions ordinarily is provided partly or wholly at state expense; in Connecticut the state pays a part of the cost of supporting indigent persons in homes operated by towns other than those of their residence; and in Washington the entire operating cost of county infirmaries is borne by the state.

Most states, it would seem, permit local units which do not maintain almshouses to care for their poor either in private homes or in public institutions operated by other local units. Both methods are widely used in practice, though in some states one method or the other is employed exclusively. Where one town or county

uses the facilities of another, the service is usually provided under the terms of an agreement between the governing authorities of the units concerned, this agreement prescribing the rate of charge per inmate against the town or county of residence. Care in private nursing or convalescent homes is a newer development but is spreading. Among the states reported as using this plan in some measure are Connecticut, Maine, Massachusetts, New Jersey, Utah and Washington.

Joint Institutions

Also involving a reduction in the over-all number of institutions, and constituting one sensible approach to the problem of the small almshouse, is the jointly-operated institution serving two or more local units. Such joint operation, given the necessary enabling legislation, may be provided either through special almshouse districts embracing the territory of the towns or counties concerned or through intertown or inter-county agreement. Though the joint operation plan is not yet used widely, it is by no means an untried method and would appear to deserve wider adoption.

Included among the joint institutions currently in operation are two bicounty homes and one four-county home in Minnesota; a bicounty home in Pennsylvania; a tricounty home in West Virginia; one five-town and one three-town home in Vermont; and four district homes in Virginia serving a total of twenty-four counties and three cities. Joint operation, by enlarging both the territory supporting a single institution and the

population served thereby, promotes the economic feasibility of replacing numerous old style almshouses with a smaller number of modern, well managed homes.

Nursing Homes

Perhaps the most significant and praiseworthy of all recent developments has been the conversion of many old style almshouses into modern nursing homes for care of the aged and the chronically ill. As longevity increases with the progress of medical science and sanitation, older people constitute an ever-larger proportion of our national population and their care looms constantly larger as a governmental problem. Since the incidence of chronic diseases—cancer, arthritis, rheumatism, heart disease and the like—is higher among older people than among the younger, the problem of providing institutional care for the indigent aged becomes largely one of providing proper medical and nursing facilities.

As previously indicated, many almshouses were closed during the late 1930s and the decade of the '40s as a result of the "outdoor assistance" programs for the aged and the blind provided by the Social Security Act. Many others, however, notwithstanding their general inadequacy, found it necessary to continue in operation to provide a home for inmates who were so disabled as to require nursing care and who were unable to obtain this care, even with the aid of public subsidy, in the homes of relatives or friends or in private institutions.

To encourage local governmental units to improve and modernize their

facilities, some states provided that old-age assistance and aid to the blind might be paid to inmates of the local institutions who were otherwise qualified to receive such aid, provided the institutions met certain standards prescribed by a specified state agency, usually the welfare department.

Since federal grants-in-aid at this time were not available for benefits to such inmates, assistance payments were made wholly from non-federal funds. The state standards which a county home or other public institution was required to meet in order to qualify its inmates for old-age assistance or aid to the blind concerned such matters as structural safety and convenience, sanitation, heating and lighting, ventilation, proper fire escapes, equipment, medical care facilities and staff. Inmates of approved institutions receiving old-age assistance or aid to the blind used the money to pay for their institutional care, and thus a considerable portion of the cost of their support was shifted from the local taxpayers to the state. The opportunity to effect this transfer of tax burden provided a strong incentive for county boards and other local authorities to make the necessary capital outlay to modernize their almshouses.

Some local units modernized their almshouses even in the absence of state legislation of the kind noted; but such legislation served as a potent stimulus to modernization. Many counties went so far as to convert their old almshouses into adequately equipped and well managed infirmaries or nursing homes,

operated in some instances as wings or units of county hospitals but more often as separate institutions.

Further impetus was given to the nursing home movement when, in 1950, the Social Security Act was amended to inaugurate a program of federal grants for aid to the permanently and totally disabled and to provide that henceforth the federal government would share in assistance payments to needy aged, blind or disabled persons who were patients in public medical institutions other than tuberculosis or mental hospitals. At present, therefore, the states are at liberty to make old-age assistance, aid to the blind and disability aid, including federal contributions, available to persons otherwise qualified who are patients in county or other publicly-operated homes approved as "public medical institutions."

Nursing Homes Increase

The exact number of nursing homes currently operated by counties and other local governments is not known, but undoubtedly is steadily increasing. Available information indicates that, of the local welfare institutions now in operation, several hundred qualify as nursing homes. Of the states for which recent data have been secured, those reporting county nursing homes in largest numbers are California with 51 (operated as parts of county hospitals), Illinois and Michigan with 34 each, New York with approximately 30, and Wisconsin with 22. A few states report that all their remaining county institutions are of this character, the old-style almshouse having been completely eliminated.

Almshouses in many states have long been subject to periodic inspection by state health or welfare authorities. In practice, however, it appears that the state inspections are largely perfunctory in nature, and the state department is vested with little supervisory authority. County nursing homes, on the other hand, ordinarily are licensed and supervised in the same manner as private homes of similar character. The licensing and supervisory agency in most instances is the state health department but in a few states is the welfare department.

The quality of the facilities and care offered by county nursing homes is of course not uniform. On the whole, however, these institutions stand in refreshing contrast to the old style almshouses they have supplanted. For the most part they are clean and well managed and properly equipped to provide nursing service. The farm land commonly associated with the traditional almshouse has in most instances been disposed of, since nursing homes provide no able-bodied inmates to perform farm labor; and the farmer-superintendent has been superseded by qualified nursing and managerial personnel.

Provision is made for the attendance of patients by physicians and in many instances there are organized social and recreational programs. As respects construction and physical equipment, some of the newer homes are ultra-modern in design and border on the luxurious in their appointments. Stainless-steel kitchens, modern medical examining rooms, solariums, reading rooms and nurses' living quarters are among the facilities

sometimes provided, in addition to comfortable bedrooms and wards.

Considering the facilities offered and the quality of service maintained, it is not surprising that persons who are financially able to pay for their own care are frequently applicants for admission to county nursing homes. It is therefore not uncommon to find as patients in a single nursing home: (a) indigent persons whose care is paid for from the general assistance funds of the town or county of their residence, (b) persons who receive old-age assistance, aid to the blind or disability aid, and who use the funds so received to purchase their care, and (c) persons of private means who pay for their own care. Of sixteen states from which data were secured, all provided for admission to their publicly-operated nursing homes of patients in the first two of these categories and twelve provided for the acceptance of private patients as well.

Changing Character

For many years the almshouse stood as a sinister blot on the character of American local government, but in the course of the past generation this blot has been in considerable measure removed. To be sure some

substandard institutions remain, but the situation brightens year by year. Hundreds of the worst almshouses have been closed down completely. Of the institutions remaining, many have undergone substantial improvements in their physical facilities and management, and a goodly number have been converted into nursing homes.

The changing character of the almshouse, as well as a desire to reduce or eliminate any social stigma attaching to its inmates, is reflected in a widespread change in official name, with such older designations as those of almshouse, poor house, and poor farm being largely supplanted in recent years, both in statutory language and in general usage, by such titles as county home, convalescent home and nursing home.

In view of the growing importance of care of the aged as a governmental problem, and the present shortage of private nursing institutions offering suitable care at reasonable cost, the widespread conversion of almshouses into nursing homes is particularly gratifying. If present trends continue for a few more decades, the old style almshouse should become little more than a memory.

Arising from the Ruins

West German cities move rapidly toward democratic local self-government in step with reconstruction.

By ROGER H. WELLS*

THE physical reconstruction of West German cities since World War II has astonished American visitors who remember the ruins of 1945. Particularly noteworthy are the large-scale housing projects which have been built. Less conspicuous to the eye but of great significance is the revival of democratic, local self-government institutions.¹ With the exception of Hamburg and Bremen, which are really city-states, all the West German states (*Länder*) comprising the Federal Republic of Germany have now adopted permanent municipal government acts (*Gemeindeordnungen*). The dates of these laws are: Baden-Württemberg (1955); Bavaria (1952); Hesse (1952); Lower Saxony (1955); North Rhine-Westphalia (1952);

Rhineland-Palatinate (1948) and Schleswig-Holstein (1950).²

According to the principles of American federalism, and notwithstanding certain direct federal-local relations, local government falls chiefly within the jurisdiction of the states. The same is true of West German federalism as it was also true of the Weimar Republic (1918-1933) and of the Bismarckian *Reich* (1871-1918). On the other hand, under the Nazi unitary state (1933-1945), there was a single national law, the *Deutsche Gemeindeordnung* of 1935, applicable to the whole country. Today the *Gemeindeordnungen* are again state laws, dealing with the most important local unit, the *Gemeinde* or municipality.³

The *Gemeinde* may be a small, rural village with its surrounding ter-

* Dr. Wells is professor and chairman of the Department of Political Science, Bryn Mawr College. He was a Guggenheim Fellow in Germany, 1927-1928; deputy director, Civil Administration Division, Office of Military Government for Germany, 1945-1947; and chief, Historical Division, Office of the U. S. High Commissioner for Germany, 1951-1953.

¹ On German local government, see the author's *German Cities* (Princeton University Press, Princeton, N. J., 1932) and his chapter on "Local Government" in Edward H. Litchfield and Associates, *Governing Postwar Germany* (Cornell University Press, Ithaca, N. Y., 1953). See also J. F. J. Gillen, *State and Local Government in West Germany, 1945-1953* (Historical Division, Office of the U. S. High Commissioner for Germany, Bad Godesberg, 1953).

² For the texts of the *Gemeindeordnungen*, see Wilhelm Loschelder, editor, *Die Gemeindeordnungen in den westdeutschen Ländern und die Verfassungen von Berlin, Hamburg und Bremen* (Stuttgart, 1953). For analyses, see the monthly periodical, *Der Städtetag*. The present article does not deal with the various county government acts (*Kreisordnungen*) which the states have passed since 1945 and other basic laws relating to local government.

³ The *Deutscher Städtetag*, the association of the larger German cities, has formulated a model *Gemeindeordnung* and has urged its adoption by the states. While no state has completely followed the draft prepared by the *Städtetag*, its influence is especially apparent in the Hesse, North Rhine-Westphalia and Schleswig-Holstein *Gemeindeordnungen*.

ritory or it may be a large city like Frankfurt or Munich. The more populous *Gemeinden* usually have the legal title of city (*Stadt*); and the larger cities are also *Stadtkreise* (city-counties), exercising the powers of both city and county. The *Stadtkreis* is detached governmentally from the *Landkreis* (rural county) in which it is located and is no longer subject to the administrative supervision of the county authorities. When a city is promoted to the rank of *Stadtkreis*, its leading official, the *Bürgermeister*, receives the title of *Oberbürgermeister*.

Whether *Stadtkreis* or hamlet, all municipalities in a given state are under the same *Gemeindeordnung*. This does not mean, however, that all have identical governmental arrangements. Thus, the Schleswig-Holstein *Gemeindeordnung* prescribes one form of government for cities and another and simpler form for smaller *Gemeinden*. The present account deals primarily with cities, their powers and governmental structure, and citizen participation.

Powers of the City

With respect to legal powers, the German city is more fortunate than the American. In the absence of home rule provisions, the powers of the American city are for the most part specifically enumerated in acts passed by the state legislature. On the other hand, according to German law, the city has, without listing of particular functions, a general authority over local matters. This doctrine reaches back into the nineteenth century and is now anchored in federal and state constitutional guarantees and in the

Gemeindeordnungen. Article 28 of the federal constitution, adopted at Bonn in 1949, declares:

Gemeinden must be guaranteed the right to regulate, under their own responsibility and within the limits of the laws, all the affairs of the local community.

Self-government in local affairs is thus a constitutional and legal principle. No German city needs a "home rule charter"; it acts under its autonomous powers which are derived from the general grant of the right of self-government.

In addition to its autonomous local authority, the German city is also charged with the execution of various federal and state laws. While there are, of course, direct federal and state administrative agencies for certain functions, much is left to enforcement by local government. These delegated responsibilities are heavier than the American city is called upon to perform. In executing them, the German city is subject to far more central control than is true of the autonomous powers in which state administrative supervision is limited to insuring compliance with the law. The growth of delegated functions and of the costs involved in them tends to lessen the sphere of local self-government.

The mention of costs raises the general question of finance. American cities are rightly concerned about this, especially with respect to federal-state-local fiscal relations. The problem is also acute in West Germany and will become more so as German rearmament gets under way. In the struggle for revenues, it is usually the local authorities which

fare worst. Without a substantial measure of local decision in the raising and spending of taxes and other revenues, self-government may be weakened and dissipated in a maze of grants-in-aid, finance equalization laws and the like.⁴ The *Deutscher Städtetag* and the other associations of local governments are fully aware of these dangers and have repeatedly made vigorous protests.

Forms of Government

Turning next to the city's governmental structure, the federal constitution provides that it must be established on a democratic basis. Article 28, previously quoted in part, also states:

In the *Länder*, *Kreise* and *Gemeinden*, the people must have a representative assembly chosen by universal, direct, free, equal and secret elections.

A somewhat similar provision (Article 17) was also found in the Weimar constitution but it was discarded by the Nazis.

Prior to the Hitler regime, Germany had three principal types of city government — the *Bürgermeisterverfassung*, the *Magistratsverfassung* and the *Stadtratsverfassung*. With some changes, these three forms have all reappeared in the permanent *Gemeindeordnungen* which have replaced the temporary legislation of the Military Government period (1945-1949). The fourth form, found in North Rhine-Westphalia, is a post-war innovation although it does have some affinity with the *Stadtratsverfassung*.

⁴ For details on financial questions, see Rodney L. Mott's chapter in Litchfield, *op. cit.*, pages 326-358.

In the French Zone of Occupation, which consisted of the states of South Baden, Württemberg-Hohenzollern and Rhineland-Palatinate,⁵ the French attempted to introduce the governmental plan of the French commune by requiring the *Bürgermeister* and the other leading city officers (*Beigeordneten*) to be elected by the council from among its own members. What the Germans objected to in this *maire-et-adjoints* system was that it made the top municipal executives lay rather than professional officials. When the Rhineland-Palatinate *Gemeindeordnung* was passed by the German legislature of that state, it restored the *Bürgermeisterverfassung* as it had existed in the Rhine Province since 1857, the two chief organs being the popularly elected council and the *Bürgermeister*. South Baden and Württemberg-Hohenzollern also rejected the French innovations in the provisional *Gemeindeordnungen* which their respective legislatures enacted. This rejection is continued in the permanent *Gemeindeordnungen* of Baden-Württemberg.

The *Bürgermeisterverfassung* in Rhineland-Palatinate has some resemblance to the "strong-mayor plan" in American cities. The *Bürgermeister* heads the administration, presides over the council (with full voting rights) and has a kind of suspensory veto over the council's decisions. On the other hand, he is not popularly elected; he is a professional official, chosen by the council for a term of eight to twelve years. The *Beigeord-*

⁵ In 1952, South Baden, Württemberg-Hohenzollern and Württemberg-Baden (which was in the U. S. Zone of Occupation) united to form the state of Baden-Württemberg.

neten are similarly appointed by the council but they administer their departments under the direction of the *Bürgermeister*.

In the British Zone of Occupation, which was made up of four states, Lower Saxony, North Rhine-Westphalia, Schleswig-Holstein and Hamburg, the British established the English form of local government in which all legislative and administrative authority was vested in the council. This form was abolished by the Schleswig-Holstein *Gemeindeordnung* and by the Lower Saxony *Gemeindeordnung*, being replaced by variants of the old German *Magistratsverfassung*.

A Bicameral System

Historically, the *Magistratsverfassung* was a bicameral system. On the one hand, there was the directly elected council presided over by a chairman chosen by that body. On the other hand, there was the *Magistrat* (administrative board) made up of lay and professional members appointed by the council and chaired by the *Bürgermeister* who was similarly named. To be legally valid, local ordinances and other decisions had to be passed by both chambers. In addition to its legislative duties, the *Magistrat* was the chief executive organ of the city. While the *Bürgermeister* was a very influential official, he was not the legal head of the administration. That function was performed by the *Magistrat* as a collective body.

The Schleswig-Holstein and Lower Saxony *Gemeindeordnungen* restored the *Magistrat* but without making it the upper house of the municipal

legislature. It does, however, have the right of suspensory veto over council decisions. In this connection, it may be noted that the Hesse *Gemeindeordnung* also provides for a modified *Magistratsverfassung* under which the *Magistrat* occupies a more independent position than in Schleswig-Holstein and Lower Saxony.

While some traces of British influence still survive in the texts of the Schleswig-Holstein and Lower Saxony *Gemeindeordnungen*, the North Rhine-Westphalia *Gemeindeordnung* retains the main features of the English plan. Under that statute, the council continues to have the dominant place in legislation and administration. Its presiding officer, the *Bürgermeister*, is the counterpart of the English mayor. He is elected for two years by the council from among its own members but, unlike the English mayor, he has a suspensory veto over council decisions.

The council administers through its committees with the advice of the professional officials, the chief of whom is the *Stadtdirektor* (city director). Although the prototype of the *Stadtdirektor* is supposed to be the English town clerk, he is in fact more like the American city manager. He is elected by the council for a term of twelve years. While he does not appoint the other leading officials, these being likewise chosen by the council, he is the general coordinator of administration and many functions may be delegated to him by the council or its committees. He has a particularly important role with respect to the mandatory functions imposed upon the city by federal or state law.

The U. S. Zone of Occupation con-

sisted of the states of Bavaria, Hesse and Württemberg-Baden (now a part of Baden-Württemberg). Unlike the British and French, American Military Government did not object to the revival of pre-Hitler forms of local government so long as they were democratic. The result was that the Germans restored the traditional *Stadtratsverfassung* in Bavaria and Württemberg-Baden and the *Bürgermeisterverfassung* or *Magistratsverfassung* in Hesse.

Under the *Stadtratsverfassung* as it existed in the Weimar Republic, the council was made up not only of popularly elected members but also of the leading professional administrative officers of the city who were chosen by the council. The *Bürgermeister* presided over the council but his executive power was not as great as in the *Bürgermeisterverfassung*. The council itself was the chief organ of administration although it usually delegated extensive powers to its committees.

The main characteristics of the *Stadtratsverfassung* are kept in the present Bavaria *Gemeinderordnung*. The principal changes are twofold: the First *Bürgermeister* is now in all cases popularly elected; and the other leading professional officials, while they still have seats in the council, have only an advisory vote which is restricted to matters pertaining to their departments.

The Baden-Württemberg *Gemeindeordnung* also retains the *Stadtratsverfassung* with the *Bürgermeister* popularly elected as in the past. In addition, it allows cities to choose an alternative form, the *Bürgerausschussverfassung*, which had existed in Baden under the *Gemeindeordnung*

of 1921. This plan is bicameral, with two popularly elected chambers, the *Stadtrat* and the *Bürgerausschuss*. In composition and powers, the *Stadtrat* is much like the council under the *Stadtratsverfassung* but with a notable difference. Various important decisions of the *Stadtrat* are not legally binding until they have been approved by the *Bürgerausschuss*. The latter consists of the members of the *Stadtrat* plus twice as many directly elected councilmen (*Stadtverordneten*). Unlike the other West German *Gemeindeordnungen*, that of Baden-Württemberg gives cities a choice between two forms of government. Even so, it is less liberal in this respect than American states which have optional or home rule charter plans.

Citizen Participation

The West German *Gemeindeordnungen* establish the legal foundations for representative city democracy. The council is chosen by universal, adult suffrage in free and honest elections. Except in Baden-Württemberg and Bavaria, the chief city official, the *Bürgermeister*, is selected by the council and not by the voters. While four states of the Weimar Republic had direct democracy in the form of the local initiative and referendum, only Baden-Württemberg now provides for these devices. In adopting them, the state legislature was especially influenced by the example of neighboring Switzerland.⁶

However, citizen participation is not limited to the choice of council or

⁶ Popular voting on local boundary changes is authorized in the *Gemeindeordnungen* of Bavaria and North Rhine-Westphalia.

Bürgermeister. Four states (Hesse, North Rhine-Westphalia, Rhineland-Palatinate and Schleswig-Holstein) authorize the council to co-opt private citizens for service on the administrative committees. Three states (Bavaria, Hesse and North Rhine-Westphalia) provide that large cities may be divided into districts with district administrations and district committees of citizens.

Even more striking is Article 18 of the Bavaria *Gemeindeordnung* which requires the First *Bürgermeister* to convene at least once a year a citizens' assembly for the discussion of municipal problems. The article further stipulates that the assembly's recommendations must be acted upon by the council within three months. In the Baden-Württemberg *Gemeindeordnung*, citizens' assemblies are permissive rather than mandatory; the council is merely directed to convene a citizen assembly if necessary for the consideration of important questions. Although the Hesse *Gemeindeordnung* does not mention citizens' assemblies by name, the legislature had them in mind in framing Article 66. This directs the *Magistrat* to keep the citizens informed on significant matters and to foster their interest in local self-government.

Such legislative provisions are a recognition of the widespread development of forums, public discussion groups and public reporting generally in West Germany since 1945. These were not unknown in the Weimar period. After the defeat of Hitler, American Military Government and its successor organization, the Office of the U. S. High Commissioner for Germany, took the lead in

reviving them.⁷ The British also did excellent work in their local government training school. But the decisive factor was and is the German interest and contribution. It is widely recognized in the Federal Republic that democratic, local self-government is an ideal to be energetically pursued. In the light of the achievements already realized, it can be strongly argued that German cities are moving toward it.

EDITORIAL COMMENT

(Continued from page 53)

Where does the solution lie? One generalisation that can safely be made about the 48 states is that they will not all do the same thing. Probably it is most important to break up the vicious circle, whereby the low calibre of many of the legislative bodies is cited as a reason for keeping on restraints, and the restraints, by giving an air of futility to the legislature, keep down the calibre of its members. Many political students are convinced that the gamble must be taken of buttressing the state legislature with new aids and dignities and then trusting it. That would imply an end to all constitutional debt limitations, which would have the desirable result of making ballot papers much less formidable.

⁷ For details on the American effort, see Henry P. Pilgert, *Community and Group Life in West Germany* (Historical Division, Office of the U. S. High Commissioner for Germany, Bad Godesberg, 1953); and Alice Hanson Cook, *Adult Education in Citizenship in Postwar Germany* (Fund for Adult Education, Pasadena, California, 1954). See also James K. Pollock and others, *German Democracy at Work* (University of Michigan Press, Ann Arbor, 1955). This is an excellent study, centering its analysis on the Bundestag election of September 6, 1953.

News in Review

City, State and Nation

Edited by H. M. Olmsted

Manager Adoptions in 1955 Break Record

111 Additions for Year
Bring Total to 1,376

MORE communities adopted the council-manager plan in 1955 than in any previous year, the International City Managers' Association reports. One hundred and eleven places have been added to its list (including 29 that adopted the plan prior to January 1955) and twelve were removed, making a net gain of 99 and producing a total of 1,376 cities, boroughs, villages, towns, townships and counties in the United States (including Alaska and Puerto Rico) and Canada. In this total are a few places where the manager plan does not take effect until after 1955.

Forty-four places added by the I.C.M.A. to its list and not previously reported in the REVIEW are, together with their populations as obtained from the I.C.M.A. or other sources: In ALABAMA, CLANTON (4,640); in ARIZONA, CHANDLER (6,000); in CALIFORNIA, BANNING (7,034), BELMONT (5,567), FONTANA (13,237), FORT BRAGG (3,826), LA HABRA (4,961), LOS BANOS (3,868), MADERA (10,497), MILPITAS (700), OAKDALE (4,064), PLACENTIA (1,682), RIFON (1,550), SAN FERNANDO (12,992), SAN PABLO (14,476), WEST COVINA (4,499); in FLORIDA, DANIA (4,540), TEMPLE TERRACE (1,500); in ILLINOIS, MOUNT PROSPECT (4,009); in MICHIGAN, BRIGHTON (1,861), IMLAY CITY (1,654), MADISON HEIGHTS (16,000), TROY township (10,087); in MINNESOTA, BLOOMINGTON (30,000); in MISSISSIPPI, MOOREHEAD (1,749); in NEW HAMPSHIRE, KEENE (see below); in NORTH CAROLINA, SOUTHPORT (1,748), TARBORO

(8,120); in OKLAHOMA, DEWEY (see below); in PENNSYLVANIA, BALDWIN township (10,743, in Allegheny County), MIDDLETOWN township (7,745, in Bucks County), SNOWDEN township (4,540, in Allegheny County); in TENNESSEE, BEERSHEBA SPRINGS (505), RED BANK-WHITE OAK (10,192), RUTLEDGE (839); in TEXAS, ROSEBUD (1,950), WEST UNIVERSITY PLACE (17,074); in VERMONT, WINDSOR TOWN (4,402) and village (3,467); in WASHINGTON, MEDINA (500); in BRITISH COLUMBIA, CANADA, DISTRICT OF SURREY (45,000); in ONTARIO, CANADA, WOODSTOCK (15,500); in QUEBEC, CANADA, BELOEIL (3,260) and DOLBEAU (4,400).

The city of KEENE, NEW HAMPSHIRE, (15,638), which operated under a manager form of government in 1948-51, re-adopted the plan in the November 1955 election.

DEWEY, OKLAHOMA, (2,513) voted 223 to 165 on December 6 to change from the commission plan to the council-manager plan, to take effect on May 7, following a city election on April 3. There will be a council of five, four to be elected by wards and one at large. Dr. Charles F. Spencer, president of East Central State College, at Ada, Oklahoma, assisted a citizen committee in drafting an amended charter.

In cities with population of 25,000 and over, there are now 217 with the council-manager plan, 205 with the mayor-council plan and 95 with the commission plan. The 217 manager cities include several where special censuses since 1950 have brought them above 25,000.

Other Developments

At a special town meeting on October 10 in GROTON, CONNECTICUT, a fourteen-member committee was elected to draft a new charter, to follow the council-

manager plan, the representative town meeting plan with town manager, or a combination of these. It is hoped to have the charter ready within a year for submission to the state legislature and to a local referendum.

In OSWEGO, NEW YORK, a charter commission is preparing a new charter to be voted on in November 1956. The *Palladium-Times* urges consideration of the council-manager plan.

In the newly created borough of JIM THORPE, PENNSYLVANIA, formed by consolidating the boroughs of Mauch Chunk and East Mauch Chunk, there is strong interest in the council-manager plan.

In SALISBURY, MARYLAND, which has a modified form of manager plan, with an executive secretary in addition to the mayor, Councilman H. O. Fullbrook, lone Republican on the five-man city council, urges that the complete council-manager plan be adopted.

In FLORENCE, ALABAMA, the Board of Realtors has made a formal plea to the board of city commissioners to adopt the manager plan. It was taken under advisement by the mayor and commissioners. A special election on the subject is a possibility.

ELYRIA, OHIO, voted 4,610 to 2,134 on November 8 for the framing of a city charter and elected a commission of fifteen members. The charter is expected to be submitted to the voters in 1956. The council-manager plan is one possibility.

In FRANKLIN, OHIO, the directors of the Chamber of Commerce decided early in December to circulate petitions calling for a vote on adoption of the council-manager plan at a special election set for March 6 for action on a tax levy for city operation.

NEWARK, OHIO, voted 5,111 to 2,088 on November 8 in favor of a charter commission, which was elected at the same time. It has fifteen members. It is studying various plans of city government, including the council-manager plan. A new

charter is to be submitted to popular vote not later than November 1956. Newark now has the mayor-council form. Election of a charter commission was advocated by the City Charter League.

WORTHINGTON, OHIO, a suburb of COLUMBUS, voted 1,477 to 331 to frame a council-manager charter and elected a charter commission.

The Citizens Charter Revision Committee of TOLEDO, OHIO, has unanimously recommended retention of the council-manager plan. The committee was appointed by the mayor, on authorization of the city council (see the REVIEW, December 1955, page 577).

DES PLAINES, ILLINOIS, a suburb of Chicago, voted 3,359 to 1,497 on November 19 against adoption of the council-manager plan. As compared with the vote in 1953 on the same question, the proponents of the plan gained 676 votes and the opponents 353.

In SPRINGFIELD, MISSOURI, where the council-manager plan was adopted by a large majority on March 17, 1953, opponents of the plan have filed a petition with 7,371 signatures, calling for a referendum on abandonment. Supporters of the manager plan point out that whereas Springfield now has a home rule charter the opponents of the present plan would place the city under a statutory form of government that could be changed only by the state legislature.

In the cities of WESTMINSTER, SHERIDAN and EDGEWATER, COLORADO, the council-manager plan is being seriously considered, according to articles by Robert Jain in the *Denver Post*. It was pointed out that four of the other six cities in Adams, Arapahoe and Jefferson Counties, surrounding Denver, have adopted the plan in the last nine years.

The city of BURLINGAME, CALIFORNIA, will vote on adoption of the council-manager plan in April.

In SPOKANE, WASHINGTON, the Spokane Town Meeting, Inc., is engaged in research directed toward charter revision

including possible change to the council-manager plan.

More Annexations Reported

Four cities have voted for substantial annexations of territory, in addition to those mentioned in the January REVIEW (page 25), the International City Managers' Association reports.

Plant City, Florida, doubled its land size through annexation of 3.5 square miles, an area that completely surrounds the old city. Monterey Park, California, annexed 468 acres. The city and subdividers of the new area have agreed to share the cost of supplying water service to new residents. Kalamazoo, Michigan, increased its size 5.5 square miles and 12,000 inhabitants. Kingsport, Tennessee, annexed 343 acres with about 2,000 residents.

Cheyenne, Wyoming, has adopted an ordinance establishing requirements for areas desiring annexation to the city. It provides: (a) that no annexations can be approved unless sufficient water supply is available, (b) that a payment of two cents a square foot of all land, except streets and alleys, must be made, to be credited to the water utility fund, (c) street grading, (d) installation of sewer mains, curbs and gutters, and (e) inspection and approval by the city engineer before the area can be accepted.

Seek Consolidation of Chicago Park District with City

In a statement prepared for the December 23 public budget hearing of the Chicago Park District, the Chicago Civic Federation urged upon the park district commissioners that the district be merged with the Chicago city government. It was pointed out that when the present district was formed in 1933-34 by consolidation of 22 previous park districts it was impossible to make these a city department because property valuations were so

reduced that the combined city and park debt would have exceeded the constitutional debt limit of 5 per cent of the valuation; hence the park district was made a separate municipal corporation. This situation has changed with increase in valuations and it was urged that the legislature be prevailed upon, at its next session, to permit the merger of the park district with the city upon popular approval at a referendum.

The advantages were stated to be:

1. All streets and thoroughfares within the city would be brought within a single authority.
2. The city would have a single police force with city-wide jurisdiction.
3. The large and small parks and playgrounds under the Chicago Park District would be combined with the many municipal playgrounds under city authority.
4. The combined borrowing power for city and park purposes would be reduced to 5 per cent of assessed valuation within the city, instead of the present 5 per cent for city purposes plus a constitutional 5 per cent (1½ per cent statutory) on the same valuation for the parks—a desirable protection for taxpayers.
5. There would be single budgeting authority with power to determine the relative importance of park and other essential municipal services.
6. Park boulevards and driveways would become city thoroughfares eligible to participate in allocation of state motor fuel tax funds.
7. Worthwhile economies should be possible through (a) consolidation of overhead expenses and (b) use of the same equipment in a given area regardless of whether the use is inside or outside a park.

Three Cities Shorten Work Week for Police

An ordinance of the city council of Newark, New Jersey, establishes a five-day, 40-hour work week for policemen,

with a maximum of eight hours of duty in any one day. The council also approved the hiring of new patrolmen who will make up for the loss in man-hours resulting from the shortened work week.

Memphis, Tennessee, also instituted a five-day, 40-hour week for its policemen. This is a change from a six-day, 48-hour schedule, and will go into effect as soon as more policemen can be recruited and trained.

The city council of Phoenix, Arizona, reduced the work week of its force from 48 hours to 44, effective the first of this year. The council also voted pay raises for members of the force.

Combine Police-Fire Training in Glencoe, Ill.

Policemen and firemen in Glencoe, Illinois, recently completed a voluntary 21-months training program in combined public safety duties.¹ During the training period the men were either paid for off-duty time spent in class or were given compensatory time off. Firemen studied criminal law, interrogation, patrol, evidence, methods of arrest, etc., and police studied fire-fighting techniques and maintenance of equipment. Instructors for the twenty-hour classroom study were Glencoe and Chicago area police and fire experts; training materials published by Ohio State University were used.

To put the program into effect, Glencoe has purchased three station wagon patrol cars, designed to carry about 35 pieces of police and fire-fighting equipment. A station wagon responds to all fire calls and frequently the blaze has been brought under control before the pumper truck arrives. In 1954 only 11 per cent of all fires required a pumper. Firemen trained in police work do not go on police patrols, but handle such sta-

tion work as fingerprinting, record keeping and parking meter repairs.

Personnel Director Proposed for Chicago

A report with recommendations on how to improve personnel relations and administration in the Chicago city government has been submitted to Mayor Daley by his special Assistant, Fred K. Hoehler.¹ According to the Civil Service Assembly, the most far-reaching proposal is that the city employ a personnel director to handle day-to-day personnel problems. The appointment of such an officer, with broad powers, would require state legislation.

Other recommendations are that the civil service commission: (1) establish better liaison with department heads; (2) hold more oral examinations and skills tests; (3) fix a maximum time limit of one year during which an examination may be postponed; (4) improve its public relations, perhaps by holding more frequent press conferences; and (5) appoint a chief of training to develop a city-wide training program.

Permanent Registration For New York City

Mayor Robert F. Wagner of New York City announced on January 13 that a system of permanent personal registration would be installed in the city in time for the November 1957 general election. He stated that the members of the board of estimate and the majority leader of the city council had been consulted and that they were unanimous in approving the move. Legislation to permit the installation expeditiously and at the lowest possible cost was in process of drafting. This involves amendments to the state's optional permanent registration law of 1954.

¹ See "Merging Police and Fire Service Shows Benefits," the REVIEW, December 1955, page 579.

¹ See the REVIEW, December 1955, page 578.

One proposed amendment would eliminate the present requirement that voter registration be checked every two years by two special investigators in each of the city's more than 4,000 election districts, at an estimated cost of \$2,000,000 or more. Even with this requirement eliminated the city estimates that there will be an additional cost in the first year of P. P. R. of \$4,000,000 above the present average annual registration cost of \$3,400,000. In succeeding years the cost is expected to be about as at present, or possibly up to \$500,000 more.

Budget Director Abraham D. Beame contends that the registration checks normally made by the police and the mail check required by the state enabling act would be adequate safeguards against fraud.

Mayor Wagner expressed himself as favoring P. P. R. whether the amendments are adopted or not, saying, "The people will be saved a good deal of time and needless trouble in the course of performing their duties as citizens." His stand was made known after he had conferred with a delegation from the League of Women Voters of New York, which has urged the adoption of P. P. R.

More State Organization Changes Made by Legislatures

Eighteen state legislatures which adjourned regular or special sessions in the latter part of 1955 adopted various measures relating to state government organization, election procedures, etc., as reported in *State Government* in December. They include the following items (from thirteen states) not previously mentioned here:

Alabama established a permanent Department of Civil Defense and a State Banking Department; replaced the State Docks Board by a Docks Department, the authority of which is extended to cover internal development of harbors and river ports; and replaced the State Planning

Board by a Planning and Industrial Development Board. The legislature also authorized formation of a public corporation, comprised of the governor, director of finance and attorney general, to construct and operate a state office building or buildings. It also provided for a study by outstanding lawyers with the objective of improving judicial practice.

Arkansas abolished its Department of Finance and Administration and provided for a separate State Comptroller's office and a State Purchasing Department. The Resources and Development Commission was also abolished; two new bodies were created—a Geological and Conservation Commission and an Industrial Development Commission, the latter being given broad powers to work with localities in attracting industry. Three separate medical boards were replaced by a single State Medical Board. The legislature required independent candidates in any general election other than city to file for office at least 60 days before the election, with a petition of at least 15 per cent of the qualified voters.

California required treasurers of political campaign committees to file statements after primary as well as general elections, and reduced the registration requirement for a political party, to retain ballot status, from 1/10 per cent of the state registration to 1/15 per cent.

The Florida legislature submitted to the voters constitutional amendments to permit it to call itself into special session on petition of 20 per cent of each house, to increase the number of senators from 38 to 67 (one per county) and the number of representatives from 95 to 135; and to establish an appellate system of three district courts to relieve the Supreme Court. In a special session the legislature reapportioned House memberships, transferring one seat in each of two counties to others.

Maine created a Department of Industry and Commerce and made \$35,000

available for a comprehensive survey of the state government structure.

The Michigan legislature submitted and the voters approved constitutional amendments requiring candidates for the Supreme Court to be lawyers and not over age 70; and authorizing the legislature to set minimum qualifications for Supreme and Circuit Court judges.

Missouri provided for major improvements in the state penal system, following recommendations of a penal survey commission appointed by the governor and of a study committee of the legislature.

The Nebraska legislature submitted various proposed constitutional amendments to the people, including one to authorize the legislature to provide for appointment of a tax commission or commissioner and one to remove a prohibition against changing the salaries of executive officers more than once in eight years. The legislature also abolished the Board of Vocational Education, transferring its duties to the Board of Education.

New Hampshire established an Industrial Development Authority to aid industries and communities.

Ohio created a 23-member State Board of Education for general supervision of the public schools; established a Division of Capital Planning in the Department of Finance, with an appropriation of \$200,000, to plan and coordinate all state construction except highways; and abolished the fee system for justices of the peace, creating a commission in each county to determine the number and salaries of justices and the method of election. Among five proposed constitutional amendments submitted to the people one would increase the terms of state senators to four years and another would allow pay increases for judges during their terms of office.

Oklahoma created a Department of Agriculture, a Department of Commerce and Industry, a Governor's Economic Development Commission, a Commission on Interstate Cooperation, and a Planning

and Resources Board which was directed to prepare a plan for physical development of the state.

Texas created a Commission on Higher Education, with broad supervisory powers over the curricula and budgets of state-supported colleges and universities. Five new courts were provided and ten temporary courts were made permanent. Cross filing of candidates for public office was eliminated by providing that the name of no candidate shall appear more than once on an official ballot.

Vermont established a claims commission consisting of the state's treasurer, auditor and attorney general, for claims of \$1,000 or less. A Department of Forests and Parks was established, to include a forest service and a park service, previously independent. A commission was created to study the state court system, with emphasis on municipal courts.

Drastic Cut in School Districts Urged in N. Y.

The Temporary State Commission on Educational Finance, established in New York State under former Governor Dewey and popularly known as the Heald Commission after its chairman, Dr. Henry Townley Heald, has recommended that the number of school districts in the state be reduced from 1,985 to 500, in order to provide more efficient administration of the school system and to raise the quality of education in rural districts.

This reduction would continue a series of reductions since 1938, when a special legislative commission set a goal of some 800 districts as against almost 10,000 at that time. The number was reduced to 5,112 by 1945 and to 1,985 last fall. Of this number, 656 do not operate schools but make contracts with other schools to take their children. It is hoped that the 500 goal can be attained in five years.

Financial incentives have been offered school districts to encourage consolidation. These include permitting inflation of

attendance figures used for state-aid purposes, higher state allowances for transportation and state contributions toward school building costs. The last item would be further liberalized by a recommendation of the commission.

New Hampshire Contemplates Legislative Redistricting

Among the actions of the 1955 New Hampshire legislature¹ was the establishment of a temporary committee to redistrict the state for purposes of senatorial representation, the last such districting having been in 1915. Representation in the Senate purports to be based upon districts equal in the amount of direct taxes paid. There are 24 districts.

The legislature also provided for the calling of a constitutional convention in May 1956 (a convention having been authorized by the voters in November 1954). Two problems will undoubtedly go before the convention this year. One is an amendment reducing the size of the legislature² and providing for a system

of legislative districts; the other is a consideration of the tax clause in order to permit a progressive state income tax.

Planning and Zoning

The legislature also amended the planning and zoning law to permit municipalities with planning boards and counties to form regional planning commissions that would formulate coordinated plans for the development of regions. The commissions were empowered to accept federal urban renewal and rehabilitation funds for assistance in their work.

The airport zoning law was amended to provide that every town with an airport should adopt airport zoning regulations as to land uses, height of buildings and trees, obstructions to visibility and interference with electrical communication.

DAVID C. KNAPP

University of New Hampshire

Changes in Congressional Setup and Methods Proposed

A recent study by the National Planning Association recommends a number of substantial reforms in the organization and operation of Congress. Objectives include better planning and timing of legislation, greater control over policy and investigations, more unity and discipline in both majority and minority parties, less irrelevant debate and less time wasted on matters that can be handled as well or better elsewhere.

A leading proposal is the creation of high level policy committees by both parties, to consist of the elective officers of Congress and the chairman and ranking minority members of the permanent committees. Legislative programs would be formulated by these committees, thus

¹ See the REVIEW, December 1955, page 581.

² The New Hampshire House of Representatives is by far the largest legislative body in any of the 48 states. According to a study entitled *The New Hampshire House of Representatives: An Analysis of Its Present Size and Method of Apportionment* (Public Administration Service, University of New Hampshire, November 15, 1955) by Robert B. Dishman and David C. Knapp, its membership varies from 375 to 400. The variation is due to "part-time" seats; the smallest towns and city wards have representatives who are permitted to attend only from one to four biennial sessions in ten years. There are 108 such places and the average number of part-time seats per session is about 50.

The study indicates that although the House is constitutionally supposed to be "founded on principles of equality" there is substantial inequality. Three changes are recommended: elimination of part-time representation so far as practicable by combinations of towns into districts; provision for greater equality as to repre-

sentative quotas; and provision for one or more representatives at large from cities where necessary to give full proportionate representation. It is also proposed that the membership of the House be reduced to less than 250.—EDITOR.

making for greater party responsibility and accountability.

Committee chairmanships would be assigned by the leaders of the majority party in each house, or by the party caucus, instead of on the traditional seniority basis.

The party caucus would be made more authoritative, with disciplinary procedures (promotions, demotions, etc.) to make its decisions binding, at least as to campaign or platform commitments.

Other recommendations include the abolition of filibusters in the Senate by permitting a simple majority vote to limit debate, allocating time orders and authorizing the presiding officer to call for a vote when he believes there has been sufficient discussion; restriction of floor consideration to main principles of legislation, leaving details to committees; provision for joint committee hearings on the same matters; establishment of a joint committee on control of government expenditures; prevention of abuse of the investigative function by adopting standards of fair procedure, delegating fact-finding inquiries to commissions composed of government officials and private citizens, and submitting charges of corruption and disloyalty to special courts; reduction of legislative volume by granting home rule to the District of Columbia and by turning private immigration and naturalization cases over to the Department of Justice; and use of electric voting by Congressmen.

In commenting on the proposals Roscoe Drummond, *New York Herald Tribune* Washington correspondent, said, "Now that Congress has for several years turned the Hoover Commission loose on the

executive branch of the government — to see how it could be better organized and operated — wouldn't it be a good idea for Congress to create another Hoover-type commission to do the same for itself?"

AMA Holds Its Largest Convention

Attendance at the 32nd Annual American Municipal Congress, held by the American Municipal Association in Miami, Florida, November 27-30, is reported as 1,207 mayors, councilmen and other municipal officials, etc., or 50 per cent more than at any prior session.

Major resolutions adopted had to do with the need for an expanded national highway program, federal legislation as to juvenile delinquency, an expanded and permanent program for payments in lieu of taxes, a plan for national disaster insurance, authorization for commercial banks to underwrite revenue types of governmental securities, appointment of an AMA committee to review and make recommendations on the Hoover Commission reports, endorsing the guiding philosophy of government expressed in the report of the Commission on Intergovernment Relations, an approach to the solution of the metropolitan area problem, urging the Bureau of the Census to conduct a 1957 census of governments, urging the Housing and Home Finance Agency to investigate the possibility of greater delegations to field offices, and urging Congress to retain the statutory exemption of all state and local activities.

Mayor Robert F. Wagner of New York City was elected president for 1955-56, and Mayor Ben West of Nashville, Tennessee, was chosen vice president.

County and Township . . .

*Edited by Victor Jones
and William N. Cassella, Jr.*

New Approach to Metropolitan Areas

Cleveland-Cuyahoga Co. Research Group Formed

CLEVELAND has taken a bold new approach to the solution of its metropolitan problems with the formation of a civic agency, the Cleveland Metropolitan Services Commission, established for the specific purpose of attacking metropolitanitis in Cuyahoga County.

The new agency was brought into existence on November 16 when nearly a hundred representatives of 53 civic, political and governmental agencies met and adopted a Memorandum of Association. The invitation to the organization meeting was signed by seven political and civic leaders: President of the Board of County Commissioners, mayor of Cleveland, chairman of the Republican Executive Committee, chairman of the Association of Elected County Officials, chairman of the Democratic Executive Committee, president of the Cuyahoga County Mayors and City Managers Association, and president of The Citizens League of Cleveland and Cuyahoga County.

The new organization was given the title of METRO by a newspaper reporter and this appellation has caught on and become the generally accepted name.

Purpose of METRO, as set forth in the Memorandum of Association, is to "study the administration of local municipal services, in particular those problems and services which necessarily transcend municipal boundaries, and to examine the various methods by which intermunicipal problems may best be solved, and to publish information and the results of studies and to make findings with respect

thereto for the community and participating organizations."

Backers of METRO are tentatively thinking of a budget of at least \$100,000, which will be raised by voluntary subscriptions. Industrial and commercial leaders of Greater Cleveland have indicated they are willing to underwrite the venture.

Typical Approach

There are 96 taxing units in Cuyahoga County, ranging from Riveredge Township with a population of nine to the city of Cleveland with nearly a million people. Basically the metropolitan problem is similar to that of most large urban centers. There has developed a basic disruption in the financial and administrative structure of the local governments that serve the community. The factors contributing to this disruption are well known. They include the growth of urban population, the advent of the motor car, the mushrooming of industrial and residential suburbs, the increased services and protection expected today from government and the decline of the physical plant in the centers of the mother city.

The proliferation of governmental units in Cuyahoga County has resulted in large sewer pipes emptying into small sewer pipes, six governments responsible for the maintenance of four miles of one through boulevard, 58 different fire and police departments in the county, uncoordinated planning and the myriad of other problems that arise in a situation of this type.

The persistence of Clevelanders is demonstrated by the fact that four times in the last twenty years the question of a county charter has been on the ballot, something of a record. The first attempt was in 1935 when a charter was adopted by the people of Cuyahoga County only to be nullified by a State Supreme Court

decision. The voters turned down attempts to establish charter commissions in 1936 and 1941. A 1950 proposed county home rule charter was defeated by a close margin.

Each of these proposals over the years was basically a reflection of the same underlying problem, but each proposal was offered as a piecemeal and isolated solution—each was offered without conscious consideration of its relationship to the other community problems springing from the basic source. They were offered without systematic effort to study the governmental demands and costs in Greater Cleveland and without serious effort to determine the facts upon which any sound decision by the community could be based.

It is essentially this lack of a systematically assembled basis of fact that has given birth to METRO.

The response of the community to the invitation of the seven community leaders issued on October 20 was overwhelming. The idea set forth in the invitation was promptly taken up and an organization meeting of the commission was held on November 16. County Commissioner John Curry was elected temporary chairman.

The Memorandum of Association provides for an executive committee of fifteen which will be the steering committee. The seven political leaders issuing the invitation are ex officio members of the executive committee. Eight other leading citizens elected by the members of METRO complete the committee.

T. Keith Glennan has been elected chairman. Dr. Glennan is president of Case Institute of Technology and generally recognized as one of Greater Cleveland's outstanding leaders. His selection has met with wide community approval. The writer has been appointed acting executive secretary.

The procedure of the study contemplates active participation by as many citizens as possible as it progresses. The

executive committee first appointed a planning committee which was charged with the responsibility of preparing a workable plan to raise the necessary funds and establish a format for the continuous operation of the commission.

Although METRO is strictly a research organization, it is planned that the study will be handled in a manner that will result in action and accomplishment. It is felt that an academic treatise or a major philosophic undertaking may make a contribution to the literature and would be valuable in the future, but "getting something done" toward achieving the objective is a prime requirement.

Tentative plans call for the appointment of from ten to twenty committees, each to be assigned a major metropolitan problem to tackle. There will be approximately fifteen citizens and public officials on each committee. Research assistance will be furnished partially by a commission staff under an executive director and partially through the employment of consultants. All recommendations will be made to the executive committee which will coordinate the work of the various committees. The executive committee will in turn report to the full commission and no recommendation will be final until approved by the commission.

Started by Individuals

Each member organization will have one vote. There were 53 organizations invited to the first meeting. Provision is made for the admission of additional organizations and already more than 30 have applied for membership. It is expected there will be more than 100 members when the commission is fully organized.

From the beginning, the secret of success in the formation of METRO has been that it was not started by a particular organization. Primary credit for its formation goes to two young lawyers, Seth Taft and Bayless Manning. Beginning last spring, these two worked tirelessly

and brilliantly to get the organization started. They spent endless hours explaining the plan to newspaper editors, political leaders and representatives of civic groups. They were aided by several other leaders, particularly Don Carmichael, secretary of the Diamond Alkali Company.

The three newspapers did valuable work in publicizing the effort. Wright Bryan, editor of the *Cleveland Plain Dealer*, and Louis B. Seltzer, editor of the *Cleveland Press*, were particularly enthusiastic. Reporters Todd Simon of the *Plain Dealer* and John Robbins of the *Press* each wrote a series of articles on the metropolitan problem and gave the whole movement outstanding coverage. Newspaper publicity for METRO has been little short of phenomenal.

Although much of the work should be completed within a year, present target date for completion is March 31, 1958.

ESTAL E. SPARLIN, *Director*
Cleveland Bureau of
Governmental Research

Park and Recreation Agencies Surveyed

The National Recreation Association is conducting a nation-wide inventory of recreation and park agencies in the United States. It recognizes the fact that the number of county park agencies and county-wide recreation programs is increasing and plans to report complete information on these county agencies in the next edition of *Recreation and Park Yearbook*.

North Dakota Law Provides Coroner Qualifications

An act of the 1955 North Dakota legislature provides that in all counties with a population of 8,000 or more the coroner is to be appointed by the board of county commissioners for a two-year term. He must be a physician and must possess other specified qualifications.

Kansas Counties Grow in Importance

EDITOR'S NOTE.—The article below is a condensation of an article by CLARENCE J. HEIN, assistant director of research, Governmental Research Center, University of Kansas, published in *The County Officer* for October 1955.

AT THE end of the nineteenth century, counties in Kansas served primarily as the agents of the state government in the enforcement of laws and the keeping of records. Additional functions, unknown in the last century, have been assigned to the 105 counties in Kansas at a slow but steady pace in the past 40 years.

The development of the automobile led to a demand for better roads, and it became evident that a unit larger than the township was often needed to provide them. During World War I the national government set up some full-time county health departments, and the number in Kansas has been growing slowly since that time. The impact of the depression made it impossible for many townships and cities to take care of needy persons, and the county was selected as the unit to administer social welfare programs. In the past five years, about one-fourth of the counties have built hospitals. Today, the duties assigned to and performed by Kansas counties are more numerous than ever before.

New to Counties

Some of these duties were formerly assigned to other units of government. Other services are relatively new and were assigned directly to the county by the legislature. Examples of these are airports, libraries, fire departments and zoning regulations.

While some of these services are new in so far as the counties are concerned, they are types of services which have long been provided for city residents by city governments. Rural residents have de-

(Continued on page 87)

Proportional Representation*Edited by George H. Hallett, Jr.
and Wm. Redin Woodward**(This department is successor to the Proportional Representation Review)*

Cincinnati Recount Triumph for P. R.

Results Confirm Original Count of Council Ballots

PROPORTIONAL representation and its sponsor in Cincinnati, the City Charter Committee, have scored an amazingly impressive triumph in the sequence of events that began with the November 8 election of the nine members of city council.

As was reported in the December REVIEW (page 591), the Charter Committee elected five of the nine councilmen, the last by a close margin of 111 votes over a United Steelworker business agent who, having been elected with Charter Committee support in 1953, four months later turned against his Charter associates and declared himself an independent.

Before the official count was completed, it became obvious to the press, as well as all those participating as workers or witnesses, that leaders of the Hamilton County Republican machine and the independent, Al Jordan, were joining forces to make an issue of the closeness of the vote. One of the machine councilmen, William Cody Kelly, though easily elected himself, openly urged Jordan to "demand a recount," even before the count was over and the outcome as between Jordan and John J. Gilligan, the ninth-place Charter councilman, had been decided.

At midnight, November 14, six days after the counting began, the head accountants (six certified public accountants are in charge of Cincinnati's P. R. count) announced that Gilligan was the winner of the ninth seat and the Charter Com-

mittee had a majority of five. Radio Station WCPO thereupon recorded a broadcast with Jordan bowing to the "will of the people" and declaring he had no intention of challenging the results. Eleven hours later, however, newspaper headlines read, "Jordan Demands Recount."

Cincinnati's charter provisions concerning a recount of P. R. ballots were drafted in 1924 and 1926 and have not been altered since. At the time they were written the only provision in the Ohio statutes making an election recount possible required the filing of a contest in the courts and the posting of bond to cover recount costs in the event judgment was rendered against the plaintiff.

In the light of these statutory provisions, omission from the city charter of specific provisions covering the cost of a P. R. recount seems to have been deliberate. It is Ohio law that where municipal home rule charters are silent, the state statutes rule.

In 1929 and 1930, however, the Ohio legislature completely revised the state election code and provided among other things that unsuccessful candidates might obtain a recount of their ballots in designated precincts by depositing \$10 per precinct, to be refunded in the event the recount changed the result — or, in the absence of a change, altered the vote totals 4 per cent or more.

As a result of this change in the statutes, Jordan and his attorneys contended — successfully — that even though their demand for a recount might involve considerably more than a cost of \$10 per precinct (the actual cost proved to be — for reasons which will be made clear — \$52 per precinct) the election authorities would have to proceed upon receipt of a

deposit of \$7,240 (\$10 for each of the city's 724 precincts).

The contestant and his attorneys based their claim for popular support of the recount on oft repeated propaganda of P. R. enemies that the transfer of surplus votes in a P. R. election is a lottery. Jordan, they insisted, would pick up substantially by a new selection of surplus ballots from Carl W. Rich (Organization Republican) and Theodore M. Berry (Charter), the two candidates who had received more than a quota of first-choice votes.

Accurate Forecast

Charter Board Chairman Robert P. Goldman — who is president of the P. R. League — calmly replied to the Jordan frenzy by assuring press and public that no matter what votes were selected for the Rich and Berry surplus transfers, provided they remained in substantially the same ward and precinct order as originally, the recount result would differ from the original count by no more than 25 votes. (As will be seen, Mr. Goldman's prediction was uncanny in its precision.)

To quiet any fears that the interests of Jordan would not be fully protected, the board of elections in an unprecedented move ruled that Jordan could place a witness of his own choosing behind every team of workers handling ballots on the recount. As a corollary, the board granted the same privilege to the City Charter Committee as representatives of the interests of John J. Gilligan, the only one of the elected candidates whose seat could be considered as under question in the recount. In addition, all witnesses were given the right at any time to challenge a ballot and require an official ruling on it by the four state-appointed members (two Republicans, two Democrats) of the board of elections. The result was probably the most rigidly guarded and vigorously challenged election count in the history of vote counting.

In the first step of the recount, the 11,978 ballots ruled blank or invalid in the original count were carefully reexamined. This work went on while 141,908 ballots originally ruled valid were again arranged by their first choices, in the same order as before, as indicated by the numbers stamped on them in sequence during the original count. Whenever a ballot previously counted as invalid was found by challenge and subsequent board ruling to be a valid ballot, the supervising accountants traced the ballot to the precinct in which it had originated, and placed it at the beginning of the precinct series of the candidate for whom it was held to be a valid ballot.

Next, each candidate's first-choice ballots were carefully reinspected to make sure that they really belonged to him and had not been wrongly assigned on the original count. Because Cincinnati has a rather large element of German-born or German-heritage voters, among whom there is a tendency to add a flourish to the Arabic numerals "1" and "7", the board of elections was required to rule individually on literally hundreds of previously assigned valid and invalid ballots. Most of the Jordan witnesses followed closely their instructions, "If you can find the slightest excuse, challenge any ballot you see."

In spite of the reinspections and challenges, however, the close accuracy of the original count was revealed in the comparison of the votes at the end of the first-choice enumeration of the two counts. Four of the 21 candidates (including Jordan) came up with exactly the same totals as before, seven others differed by one ballot, two others by two. Only three differed by as much as ten, and the largest variation was 19, for the high candidate, Rich, who had a revised total of 27,191. A gross change of 106 ballot rulings was made, but the net change in total valid vote was only seven. Subsequently, further reinspection, chal-

lenges and board rulings whittled this number down to two. Out of a total of 153,886 votes!

The big surprise for the enemies and critics of P. R. came, however, on the re-transferring of the Rich and Berry surpluses. As the political editor of the Cincinnati *Post* described it: "Al Jordan and his silent Republican rooters were ruefully amazed at the insignificant variations in the step-by-step and final results."

Many Renumberings

Because of the "challenge-one, challenge-all" strategy of the Jordan cohorts, repeated challenges in the Rich and Berry transfers resulted in three renumberings of most of Rich's ballots and four renumberings of most of Berry's ballots. Since, under Cincinnati regulations, the ballots selected for surplus transfer are taken by specific numbers from adding machine tapes prepared for the purpose, the effect of these renumberings was to provide almost completely new transfers for each surplus. Thus, the ballots selected in the first lot for the Rich surplus transfer were those whose numbers were multiples of three. Obviously, if a Rich ballot previously numbered No. 1000 (not a multiple of three) had, because of reinspections or challenges, become ballot

No. 999, it would be assigned to the surplus instead of the ballot which originally preceded it. Not only that, the change would affect all the ballots whose new numbers were higher than 999.

The greatest test of the accuracy of the Cincinnati system came with the transfer of the Berry surplus. In the original count, 43.5 per cent of the Berry surplus had gone to his fellow-Charter candidate, Vice Mayor Dorothy Nichols Dolbey. Only once before in P. R. history had any candidate taken so much from a surplus transfer. The critics and enemies of P. R. were quite certain the recount would somehow reduce Mrs. Dolbey's gain materially. Actually, however, 43.6 per cent of the new transfer went to Mrs. Dolbey!

The Charter percentage of transfer from the combined Rich and Berry surpluses was 39.7 per cent on the original count and 39.8 per cent on the recount.

For the remainder of the story, let *The Post's* tabulation of December 14 tell the tale (see table below):

On that same day, *The Post* editorialized:

They Called P. R. A "Lottery"

For the past 20 years there have been charges that P. R. is a "lottery."

Your vote spun round and round

THE COUNT AND RECOUNT
Comparison of party total vote percentages at various stages
of the P. R. count and recount.

	Charter	Republican	Jordan	Other Independents
<i>First Choice</i>				
Count	42.87	50.98	5.40	.75
Recount	42.86	50.99	5.40	.75
<i>After Rich and Berry Surpluses</i>				
Count	44.96	47.94	5.78	1.32
Recount	44.96	47.94	5.79	1.31
<i>After Held Elimination^a</i>				<i>Ineffective^b</i>
Count	47.97	40.00	7.89	4.14
Recount	47.96	40.00	7.90	4.14

^a The transfer of Held's ballots to next choices resulted in the deciding totals.

^b Valid ballots on which every choice had been defeated or elected by others.

like the ball in a roulette wheel, as the opponents told it. It didn't make any difference how you marked your choices, the foes of P. R. said, it might come out on the red or the black, on 1 or 7 or 23.

This year's recount offered the first chance in 16 elections to test this argument. How much difference would it make if the distribution of surplus votes began with the No. 1 ballot or the 6th or the 19th? Would one candidate get 240 votes from the surplus this time and 510 the next time?

Well, we've seen what happens. The ballots were shuffled and reshuffled, various "combinations" were developed. All that made no difference. The results were the same; the voters elected the nine of their choice and they stayed elected.

Take the crucial race between John Gilligan and Albert Jordan for 9th place. Gilligan won on the first count by 111 votes, on the recount by 86 votes. That's a 25-vote difference but 16 of those votes were ballots in which the election officials changed their rulings from "valid" to "invalid." The actual change after all the go-round of the 141,000 valid ballots was 9 votes!

Elsewhere is a more detailed comparison between the first count and the recount of the P. R. ballot. [See table.]

Those comparative figures once and for all spike the argument that P. R. is just a game of chance. Those figures show conclusively that when a citizen votes for his city council candidates with a P. R. ballot, there is one honest result and one only.

The total number of ballots cast in the election was 153,886, of which 11,976 — or 7.5 per cent — were blank or invalid. While the city charter does not call for a separate count of blank ballots but merely includes them in the invalid total, observers of both counts estimated blank ballots accounted for about 3,500, or 30

per cent, of the invalid total. This rather high total of blanks in turn is attributable in large part to the fact that Cincinnati voters were handed eight separate ballots, containing 36 candidates for Council, the Cincinnati school board and municipal court races, two state constitutional amendments, one state initiative, three extra tax levies for the county and school board and four state and county bond issues.

The original count was completed in 72 working hours over a span of seven days. The recount, by contrast — largely because of the repeated challenging and renumbering of the Rich and Berry ballots — required 112 working hours over a span of fourteen days.

Voting Machine Issue

The campaign preceding the election tended to center on the issue of voting machines. This innovation, usually welcomed by reform elements, was resisted in Cincinnati by the City Charter Committee on the basis of prohibitive cost because of Ohio's pathetically long ballot. The admittedly insufficient \$3,000,000 bond issue submitted for purchase of voting machines was sponsored by the leaders of the powerful county courthouse machine, probably because the machines would not handle P. R. and therefore could be used as an additional argument for getting rid of P. R. Voters followed the Charter Committee's leadership on the issue by defeating it more than two to one, one of the worst defeats ever handed a supported bond issue in the county's history.

The recount over, the Charter majority elected Charles P. Taft mayor and voted the vice mayoralty to the former Charter floor leader, Theodore M. Berry, who thus became the first Negro in history to serve as vice mayor of a major American city.

FOREST FRANK, *Executive Director*
Cincinnati Charter Committee

Revere Holds P. R. Election; Recount Averted in Cambridge

The P. R. election held in Revere, Massachusetts, last November, the same day that the city's voters repealed P. R., resulted in the re-election of six of the seven outgoing members of the city council. The seventh was replaced by a local businessman who succeeded in his third attempt to win a place on the city council.

In Cambridge's eighth P. R. election (see the REVIEW, January, page 31), the voters, for the first time since Cambridge adopted P. R. in 1941, failed to elect any Republican candidates. Upon the defeat of Marcus Morton, a Republican who had served many terms on the council, the Cambridge Civic Association indicated that a recount would be sought on Morton's behalf. After a spot check of the votes cast, however, which suggested that a Morton victory was unlikely, the idea of a recount was abandoned. No Republican was elected in this nonpartisan election. Variety of representation was, as usual, secured on other grounds. About nine-tenths of those who cast valid ballots helped elect councilmen.

COUNTY AND TOWNSHIP

(Continued from page 82)

manded many of these services, and the result has been that the county has been given the job of providing these urban type services to the rural areas. More and more the counties are providing services outside the city limits which are identical with those provided by the cities within the boundaries of the city.

In some cases, the county is providing the service for both rural and city residents. The county hospitals are open to all residents of the county, and the county airports are also available to any of them. In these cases, the county has superseded the city in providing service for the residents of the city.

The accompanying table gives the available information on the number of counties performing some of these new types of services from 1915 to the present.

NUMBER OF KANSAS COUNTIES PROVIDING
SELECTED SERVICES (1915-1955)

Service	1915	1920	1930	1940	1950	1955
Airport	0	0	0	0	^a	5
Fire protection	0	0	0	0	1 ^b	3 ^b
Libraries	0	0	5	10	11 ^b	17
Full-time public health program	0	4	11	7	16	19
Hospitals	^a	1 ^b	3 ^b	5 ^b	18 ^b	39
County-unit highway system	0	2	20	25	51	53
County administered welfare program	^a	2 ^b	16 ^b	105	105	105
County zoning	0	0	0	0	3 ^b	7 ^b

^aInformation not available.

^bComplete information not available. At least the number of counties listed were providing the service during this year.

Earmarking — How to Lose Control

Legislative Bodies Must Retain Hold of the Purse

HISTORY tells us that the absolute power of monarchs was finally ended when parliaments stripped from kings the control of the purse strings. Every American school boy knows that the United States declared their independence from Great Britain for reasons which included a major objection to "taxation without representation." And we all know that there is imbedded in our federal and state constitutions, and in the framework of our local government, the requirement that taxes may be levied and the public moneys expended only on the authority of elected representatives of the people assembled in Congress, in state legislatures and in the local governing bodies. We rely on this requirement both to effectuate our desires as to the programs of our governments and to protect ourselves against the usurpation of unwanted authority at any of the levels of government we have created.

This authority to impose taxes and direct the expenditure of public funds has been lodged in the legislative bodies to implement two broad principles basic to self-government. One principle, recognizing that the power to tax is in fact the power to destroy, asserts the sole right of the people through their elected representatives to determine the manner and extent to which they will be taxed. The law contemplates in a few states that this determination is subject only to biennial review, but in the majority of states, and in the federal and local governments, it is to be exercised annually, through the adoption of budgets which,

while they may originate in requests of the executive and administrative agencies, are adopted by the legislative bodies.

The other principle involved is that of accountability; the authorizing body, being separate in authority from the executive or administrative agencies which actually collect the taxes and expend them, is in a position to enforce its directives by law. Deviations from the directing laws can be enforced through the courts, but in the last analysis the control of the purse strings by the legislatures is the heart of the system of representative government.

That, simplified, is the theory to which we all subscribe. The practice, through years of gradual erosion, is considerably different. The people, as citizens of the states in particular, have been almost eager in their efforts to throw away the controls written into their organic law. As a result, there are few states today in which the people through their elected representatives have complete control of the purse strings, and there are a few states in which as little as one-fourth of the public moneys is expended subject to legislative control and accountability.

This result has been achieved through a relatively harmless-looking device called "earmarking" — the dedication of the revenues from a particular tax to expenditure for a particular purpose. As happens with most devices which ultimately get out of hand, earmarking began in an innocuous and unobjectionable way. Current examples of the early development of the procedure are abundant at the local government level, in such general practices as the use of building permit fees to enforce the building code, of dog license receipts to defray cost of the city dog pound, of deed filing fees to help finance the county registrar's office, etc. Such earmarking devices had a common

feature that has been lost sight of over the years, namely, the receipts were fees and charges imposed for regulatory purposes or to recover directly the cost of an identifiable service performed for the peculiar benefit of the person paying the fee or charge.

The application of earmarking to taxes imposed to raise revenues on a large scale began following invention and wide-scale manufacture of the automobile, when large sums for highway construction began to appear desirable to provide the smooth surfaces necessary for the use of motor vehicles. Readers don't have to be very advanced in years to remember having to hire a farmer and his team to pull their car out of the mud on some principal throughfare of a not so remote day. To raise what then appeared as astronomical sums to pave the highways of the nation, the earmarking of newly imposed gasoline and motor vehicle taxes appeared reasonable; weren't the motorists to pay for the new facilities which they themselves were making necessary by purchasing and operating autos and trucks?

Out of Hand?

But there are many observers today who suggest that what began innocently enough has gotten out of hand. According to a current study by The Tax Foundation, Inc., earmarking has spread until in 1954 half the aggregate tax collections of the 48 states were earmarked.¹ In six states — Alabama, Colorado, Kansas, Louisiana, New Mexico and Texas — over three-fourths of total tax revenues are earmarked. In eighteen other states between one-half and three-fourths of total tax revenues are earmarked. And there is no state where some taxes are not earmarked. (The foundation's data are based on taxes exclusive of unemployment compensation taxes, which are

held in trust accounts and not available for general governmental purposes.)

As might be expected, highway user taxes lead all others in the degree of earmarking. According to the foundation's study, highway taxes are *not* earmarked in only two states — Delaware and Rhode Island. Moreover, some states earmark for highways the proceeds of non-highway taxes. Mississippi, Iowa and Louisiana earmark part of their sales tax proceeds for highways, while Arkansas, North Dakota and Oklahoma similarly allocate "significant" amounts of severance tax collections. Among the 48 states the percentage of total state tax collections earmarked for highways ranges from 3.8 per cent in New Jersey to 50 per cent in Nebraska and Nevada, with 40 states earmarking more than 25 per cent. For the entire group, the median was 30.8 per cent.

Other major earmarkings disclosed by the study were for education, earmarked in 28 states, and public welfare, earmarked in fifteen states. For both these purposes of expenditure the most frequently earmarked taxes were sales and use excises.

Why has earmarking increased so markedly, until today state legislatures have control over only half of the moneys collected from state taxes? Partly, without question, because of the generally accepted idea, noted above, that there is a degree of reasonableness in imposing particular taxes on particular users when a clearly identifiable benefit is incurred by the expenditure.

But this is only a partial explanation. Without doubt, a more fundamental reason for the widespread use of earmarking is political. Earmarked taxes are almost without exception *new* taxes, in the sense that they were not part of state tax systems prior to the time earmarking practices began to attain popularity. Correspondingly, the expenditures for which the taxes are earmarked are in

¹ *Earmarked State Taxes*. The Tax Foundation, Inc., New York, N. Y. November 1955.

areas either relatively new in acceptance as a governmental responsibility, or in areas where the cost has risen markedly above earlier levels. When the need for an expensive new service becomes apparent, and the desirability of the service gains wide popular acceptance, it is self-evident that a corresponding large sum of additional revenue must be provided.

A 'Package' Deal

Politicians and pressure groups alike have discovered that under these conditions it may be expedient to propose a "package" deal, in which the appropriation is added to the budget for the new service and at the same time (or immediately thereafter if a greater degree of political sagacity is called for) a new tax is imposed, earmarked for the new expense to make the tax more palatable. If the state laws provide for a referendum, the legislature may wash its hands of the matter altogether by authorizing a constitutional amendment or amendments, through which the voters themselves assume the full "responsibility" for authorizing the new or added service and levying the obnoxious tax to finance it.

Without doubt, earmarking is a highly useful political device to impose new or increased taxes coincidentally with the appropriation of increased amounts of public money. But when half of state tax collections are earmarked it becomes a question whether the device is not a luxury which self-government can ill-afford. Three factors at least suggest that earmarking has passed the stage of usefulness:

First, governmental expenditures in total have reached a level in which the productivity of taxes must be measured against their equity as a part of our over-all tax system — federal, state and local. Large revenue producers cannot longer be treated as service payments by preferred groups of taxpayers, however large and influential such groups may be.

Second, our whole economy, private and governmental, has become too complex to permit the dead hand of an earlier period, no matter how recent, to determine what taxes we levy and for what purpose they are expended. If our governments at all levels are to be kept viable, legislatures must have the flexibility inherent in control through their annual or biennial budgets of the totality of the public funds, and not just control of one-fourth, or one-half, or some other fraction. Control of the purse strings means just that, not partial control.

Third, earmarking at its present level destroys all semblance of accountability by either legislatures or executive and administrative agencies. Some services are starved under the earmarking system, while others wallow in an unneeded abundance of funds; in either event, administrators and legislators alike need merely plead that the results are mandatory under the law and not controllable by *them*. In essence, earmarking substitutes the lobbying and public relations skills of pressure groups for the deliberative processes of self-government through responsible legislators popularly elected by their constituents.

Protected from Politicians

Undoubtedly, one factor contributing to acceptance of earmarking in some quarters has been the idea that if a new tax were earmarked it would be "protected from the politicians." Happily, spoils politics has become more and more of a rarity in 20th century America, and the idea has gradually spread that legislators must be elected who can be trusted. Earmarking as a protective device in any event is bound to fail in the long run, since earmarked funds can be spent just as wastefully as any others if legislative and administrative competence is lacking.

(Continued on page 95)

Citizen Action Edited by Elsie S. Parker

The New York Revolution

Objectives Achieved by Citizens, Not Parties

HAROLD Riegelman, recently a Republican candidate for New York City mayor and for many years valiant counsel of the Citizens Budget Commission of that city, in a letter to the editor of the *New York Herald Tribune*, discerns a trend in the metropolis "toward the use of civic organizations, civic movements, to achieve specific objectives" instead of using political parties. "Republicans and Democrats vote partisanly . . . but seek to secure beneficial action . . . through nonpartisan civic organizations. . . . Today the civic organizations are at an all-time peak of prestige and influence."

"Finding that political parties, for good and valid reasons, could not satisfy his need for political action in specific fields of municipal reform, the civic-minded New Yorker is increasingly placing his energy and his purse behind nonpartisan, voluntary organizations aimed at definite objectives. In the role of civic workers, New Yorkers are getting political action."

"There are several vital reasons why New York City is made to order for the specialized civic organization."

"First, by the very nature of things, the average voter feels as far from city hall as from the brontosaurus. This may be nobody's fault. Certainly the political party thinkers have done everything possible to create the opposite feeling. For the moment, let's put it down to the immensity of the city."

"Second, the individual political party tends to be publicly active on local issues at elections, not during the quiet months between them."

"Third, the number, scope and variety of vital issues that confront New Yorkers are so vast that any political candidate who tried to treat them all in detail would look like an encyclopedia reading upside down and backwards."

"Fourth, the presentation of a full-fledged list of civic skull-crackers all at one time around election would serve only to confuse the voters, or for that matter, even the professors of political science. . . .

"So political parties and political candidates cannot satisfy the need of individuals for sharp delineation of definite civic problems."

"The New York City civic organization is, indeed, the town meeting of America. It is the practical means by which New Yorkers can make themselves felt, make their voices heard. The mailing list of leading active, large civic organizations, including chambers of commerce, social welfare and educational groups, that we customarily use in the Citizens Budget Commission, numbers 350 groups. It is said that New York City's civic groups, counting neighborhood organizations may number more than 2,500. Nobody really knows how many there are. . . .

"Civic groups must specialize to live. This is the only way they can be effective and they have to be effective to live. Because they are specialized, they attract persons who are intensely civic-minded and have a keen desire to work or help in specified fields. If they were to diversify their objectives, they would dilute their strength and their identity would become obscured. Their influence would then disappear. . . .

"The nonpartisan concern with the welfare of this city epitomized in the city's voluntary civic organizations nowadays is a healthy and promising sign. It means that on basic issues such as health, education, housing, police, fire protection and

a host of other services, New Yorkers are working together to advance our city's interests, regardless of our individual partisan political attitudes."

School Group Names Its Own Successor

The National Citizens Commission for the Public Schools, at its annual meeting and banquet on January 9, ended seven years of activity and also its life. It will be succeeded by a new organization, the National Citizens Council for Better Schools. The aims of the newly created group will be exactly the same as those of its predecessor: "(1) To help Americans realize how important our schools are to our expanding democracy; (2) to arouse in each community the intelligence and will to improve our public schools."

The National Citizens Commission was created in 1949. Its guiding principle, as cited by the *New York Herald Tribune*, has been that "The problem of its children's schools lies at the heart of a free society." In its first month of operation, the commission found only seventeen school citizens committees. Because of its efforts, a year later there were 175; two years later, 1,000; today there are 12,000.

The commission has been headed by Roy E. Larsen, president of *Time*, as chairman. He will act as advisor to the new group. Acting chairman of the new organization is Ralph K. Gottshall, president of the Atlas Powder Company. Henry Toy, Jr., director of the commission, will continue in that capacity.

Let's Not Be Robinson Crusoes

"There is no justification for maintaining our National Association of Civic Secretaries," says that organization's

Shop Talk, "unless we can be mutually helpful to one another." The bulletin, to "start the ball rolling," lists projects which the Seattle Municipal League, a member of NACS, has set up for itself during the coming year. Projects of other member organizations will be listed in succeeding months. Members are asked for comments as "to best paths to conclusions as well as pitfalls to avoid, and copies of their reports which may bear on the subject."

Citizens League Seeks Guidance on Projects

The Citizens League of Minneapolis and Hennepin County sent its members a check sheet of projects, asking them to mark the five they considered most important. Nearly seven hundred were returned—"a good score in anybody's league," says the group's *News Bulletin*. Here are the top ten subjects as viewed by the members:

- (1) Study metropolitan area highway planning;
- (2) study city and county assessment practices;
- (3) study Minneapolis police manpower needs;
- (4) study transit problems;
- (5) study financial needs of Minneapolis schools;
- (6) study the need for a management unit in city government;
- (7) study comparative tax burdens;
- (8) work for new main library building;
- (9) study how city planning should be handled;
- (10) study the extent of charter amendment by special legislation and the need for constitutional revision relative to home rule.

Seattle League Cites Effects of Efforts

In a recent issue of its *Municipal News*, the Municipal League of Seattle and King County reviews the effects of its work on the city and county.

"There are certain obvious facts about our local government," says the story, "and few will deny that the Seattle

Municipal League has had an appreciable effect on them. Here they are:

"1. The standards of management and services of the city, county and port district have improved during the past fifteen years. As compared with other similar agencies in the country, some are above average. The excellent Seattle school district management probably hasn't been affected by the league's recommendations although it has adopted some suggestions made by this organization and has benefited from the league's approval of its various voted bond issues and tax levies.

"2. There is no sign of political boss rule in Seattle and King County although there were strong indications of it less than twenty years ago. Bosses cannot get started in a community where organized and alert citizens are continually watching public affairs and scrutinizing candidates for public office.

"3. The elected officials on the four local public bodies are respected and generally capable. The League's careful preelection appraisal of all candidates undoubtedly has contributed to weeding out office seekers or office holders with records of incompetence or worse.

"4. The presence of staff members of the league at every public meeting of the four public bodies and some of their subsidiary agencies unquestionably has deterred attempts at graft and corruption over the years."

Chicago City Club Revises Committee System

A major reorganization of its civic committee setup has been made by the City Club of Chicago's board of governors. Because the club has felt it might be "spreading itself too thin," with too many committees, President M. L. Loewenberg appointed a committee on committees which has studied the problem. The committee has recommended that existing committees be regrouped

under seven main subjects: education, government, human relations, labor and management relations, planning and housing, taxation and public finance, and welfare. These committees may appoint such subcommittees as they wish and "proceed with their own ideas of study and investigation of matters within their respective fields, submitting their findings and recommendations to the board for approval, in accordance with the present long-established practice."

The club plans to continue its special arrangement with the Illinois Institute of Technology whereby three fifth-year students are appointed to membership on the club's planning and housing committee. "The purpose of the experiment," says the club's *Bulletin* is "to give the students the practical experience of sitting in and working with a citizens' planning committee such as ours and, in turn, to give the committee such technical information as the students could bring to it." The plan has been considered quite successful.

Adult Education Experiment Launched

The Fund for Adult Education of Pasadena, California, last spring launched an experiment to determine "how the widest possible participation in its study-discussion program can be obtained and to test the extent to which it may be possible for the distribution of these programs to become self-supporting." The objective is to find ways to make informal adult study-discussion programs available community by community in such ways that there will be a continual increase in the number of people involved, without increasing the cost to local sponsoring institutions and agencies out of proportion to other budget items. Interested educational institutions have been invited to join the experiment.

The fund has issued several interesting publications: *How to Organize and Man-*

age a *Series of Adult Study Discussion Programs*, 23 pages; *Participating in an Adult Discussion Series — Some Questions and Answers*, 13 pages; *What Do You Think?*, large folder, listing subjects for discussion.

City's Growth Pattern

Over-all purpose of a series of meetings arranged by the Colorado Springs (Colorado) Charter Association is to focus attention on the growth pattern of the city and area in the critical period now faced. The series is designed to stress: (1) the importance of agreement on the kind of over-all community citizens are seeking to build, (2) ways and means of achieving the desired end. Topics of the meetings are foundations for sound growth, direction for sound growth, and goals and methods for sound growth. Five meetings were scheduled.

40th Anniversary

The Women's City Club of New York recently held its 40th anniversary celebration. The luncheon meeting was addressed by Lester Markel, Sunday editor of the *New York Times*, who spoke on "Basic Problem: Public Opinion," and Mrs. Elinore M. Herrick, industrial relations consultant, whose talk was on "Women's City Club—Past and Present."

Student Survey

Ten high school students in Alton, Illinois, have made a survey of their community's attitude toward the council-manager plan. Students were assigned to specific districts to conduct a door-to-door poll. Sentiment for the manager plan ran three to one.

Slum Clearance Film

An animated color motion picture on the need for improving neighborhoods and preventing slums, now available, is sponsored by the American Council to Improve Our Neighborhoods (ACTION). It dramatizes in cartoon

fashion how a pleasant residential area can degenerate into a noisy, overcrowded slum. Crime, juvenile delinquency, a higher accident rate and disease are shown to be the evil fruits of slum conditions. Purpose of the film, titled "Man of Action," is to show Americans that a lot can be done to better housing conditions and halt the spread of slum areas by concerted community action.

Prints of the film are available for free loan from the regional film libraries of Association Films in Ridgefield, New Jersey; LaGrange, Illinois; Dallas, Texas; and San Francisco.

New LWV Publications

Two new booklets, describing the local community and its government, have been issued by Leagues of Women Voters. *This Is Park Ridge — A Guide to Your City Government* (48 pages, 35 cents) comes from the league at Park Ridge, Illinois. *North Plainfield — A Know Your Town Survey* (28 pages) has been prepared and published by the League of Women Voters of North Plainfield, New Jersey.

The League of Women Voters of Texas has issued *The Texas Poll Tax* (12 pages, ten cents) and *Texas Constitutional Review* (63 pages, 25 cents). The latter is the result of the league's three-year study of the state constitution.

Other Publications

The Citizens' Civic Association, Inc., and Citizens' Council of Allen County, Indiana, (Fort Wayne) has published *A Combined Report of Operations 1954-1955*. Sixteen pages, it is well illustrated with photographs, maps and graphs.

Voters Guide — Know Your Candidates — Qualifications, Duties comes from the Public Affairs Research Council of Louisiana (PAR). In addition to listing and describing candidates, the report answers many questions on party organization, primaries, etc., and describes the du-

ties of various officials both state and local.

Strictly Personal

EUGENE L. KACSON, formerly of the University of Washington and the Mist Publishing Company, has been made editor of the *Municipal News*, organ of the Municipal League of Seattle and King County. He will also act as secretary for the large and important City and County Planning Committee and the Town Criers' (speakers) Committee of the organization.

The Citizens League of Minneapolis and Hennepin County has unanimously reelected CHARLES T. SILVERSON to a second term as president. He is the fifth president of the league and first to serve a second term. The league has selected ELMER L. JACOBSEN as new director of membership and finance, succeeding JERRY WALSH. Mr. Jacobsen served thirteen years as a special agent of the F.B.I.

DR. RHOTEN A. SMITH, assistant professor of political science at the University of Kansas, has been appointed associate director of the Citizenship Clearing House, affiliated with the Law Center of New York University, for the year 1955-56. Dr. Smith replaces DR. TOTTEN J. ANDERSON, who has returned to his position on the faculty of the University of Southern California.

TAXATION AND FINANCE

(Continued from page 90)

Finance Briefs

New York State's proposition to authorize appropriation of housing funds to make loans to limited-dividend housing corporations, reported by the press following the November 1955 elections to have been defeated,¹ was found on the

final official canvass completed December 15 to have passed.

* * *

Readers who take pen in hand on occasion may wish to dispatch appropriate comment to their Washington representatives urging that the Congress at this session appropriate funds for the 1957 census of governments without fail. The last complete census of governments was taken in 1932, and currently all aggregate figures on state and local revenues, expenditures and debt are based on the benchmarks established by the partial census of 1942, taken under wartime conditions when only a limited amount of field work was possible. Few people recognize the extent to which the census data are used in a wide area of government, business and finance, since the persons who directly use the census reports are a small minority and their findings are not often identified as based on information "as reported by the U. S. Department of Commerce, Bureau of the Census, Governments Division." In comparison with other programs the money cost is trivial, but the appropriation must be made this year if state and local agencies, civic and business groups, etc., are to have reasonably up-to-date statistics by the time the 1960 census of population is taken.²

* * *

Since enactment last year of the permissive law in Illinois authorizing local sales taxes, there have been some 595 adoptions, ranging downward in community size from the city of Chicago. One small community rescinded its action, leaving 594 municipalities in some 90 counties using the tax. The tax is levied at a rate of $\frac{1}{2}$ of 1 per cent, and is administered by the state, with proceeds, less 6 per cent administration costs, distributed to the local units.

¹ See the REVIEW, December 1955, page 588.

² See "Another Opportunity," Editorial. The REVIEW, December 1955, page 556.

Study Ala. Public Health Program

Two Reports Consider Its Role in State and County

TWO Alabama reports consider that state's public health programs on a statewide basis as well as in a single county. The local study in Jefferson County also reviews welfare and recreation programs.

Government and Health — The Alabama Experience, by Robert T. Daland, is an analysis of the administration of both state and local programs. Published by the university's Bureau of Public Administration, the study considers the factors that have been influential in guiding their development. As in most states, the pattern of intergovernmental division of labor in Alabama public health is extremely complex, and the relationship between political and professional responsibility "very interesting." Alabama has tried to take public health administration out of "politics" and as a result has developed considerable administrative confusion.

The law of Alabama establishing the State Board of Health provides that: "The Medical Association of Alabama, as constituted under the laws now in force, or which hereafter may be in force, is the State Board of Health." The author describes the influence of the Medical Association in the development of public health policy and administrative "independence." In understanding the Alabama situation, other influences are also important, including the federal government, through its administrative controls developed in connection with grant-in-aid programs. In the 218-page volume, the

author also describes in detail the state and local organization of the public health system, the financing and staffing of public health programs, and the various programs themselves.

The author comments: "The conclusions of this study readily support a relationship between the health function and other state functions that is consistent with the 'strong governor' concept. . . . He [the governor] would be held responsible through his party for effective administration of health and other state affairs, devoting most of his time to administrative duties. . . . He would . . . be free to integrate the major state programs at the top level where authority is concentrated largely in his hands. The health officer would be a cabinet head, appointed by the governor and serving at his pleasure. This pattern would represent organization adaptable to horizontal integration rather than vertical integration. Those advantages of federal-state cooperation that really exist . . . are consistent with this program."

In the other Alabama study, the health, welfare and recreation programs of Birmingham and Jefferson County are subjected to a "community self-study." The comprehensive report, *Health, Welfare and Recreation — Needs and Services* (368 pages) was prepared under the auspices of the Jefferson County Coordinating Council of Social Forces and published by the University of Alabama Press. The study includes a detailed review of all programs conducted in the county, both by public and private agencies, and describes how they can be made more effective. Recommendations to provide better coordination between the existing programs are suggested, and notation is made when legislation is needed for implementation.

Annexation and Metropolitan Areas

Another study of the metropolitan area problem has recently been published, this time in Cincinnati by the Hamilton County Research Foundation. *The Story of Annexation* (19 pages) reviews the problem in Cincinnati and suggests there are some seven possible solutions, including the creation of a metropolitan government and additional annexations.

The authors devote most of the pamphlet to the annexation possibility and detail the history of annexation in Cincinnati from its original 3.88 square miles in 1802, to its present 76.59 square miles. After discussing the problems associated with annexation, the conclusions reached in the study, among others, are that annexation has become the traditional mode of growth in that city; it does not require extensive legislative change; and, because of the better relations between the city and county, greater consideration to proposed annexations can be expected.

Review of Recent Legislative Reports

Legislative service agencies continue to issue reports on a variety of subjects. A brief review of recent reports illustrates this diversity.

The Louisiana Legislative Council has issued what amounts to a textbook on that state's government. *Louisiana, Its History, People, Government and Economy* is a comprehensive source book for use by the legislator and the citizen. The 285-page volume covers the state's constitution, state and local government, election machinery, major functions of government and the state's resources.

The Kentucky Legislative Research Commission has issued a third edition of its *Legislative Handbook* (1956 — 84 pages) for the use of the members of the Kentucky General Assembly. The handbook describes the legislative process

in a readable manner and contains considerable other information of value to the legislator.

The second edition of the *Wisconsin Research Inventory* (27 pages) has been prepared by that state's Legislative Reference Library. The compilation lists studies on government problems recently completed, or currently under way, by state agencies, private groups and at the state's universities.

Financing State Government in Florida (46 pages) is a report to the legislature by the Florida Legislative Council. It indicates that Florida is facing the common financial problem by stating that "we have reached the place in 1955 where the expansion of other state services must be slowed or additional revenues must be found." With many charts and graphs, the report describes the financial situation in Florida and elsewhere. It does not include recommendations but does list potential sources of additional revenue.

GRA Conference

The Governmental Research Association has announced that its 1956 conference will be at the Westchester Country Club, Rye, New York, on October 15-17.

Michigan Government Bibliography Published

Probably the most complete bibliography on one state's government has been published by the Bureau of Government of the Institute of Public Administration at the University of Michigan. *Michigan State and Local Government and Politics: A Bibliography*, by Peter J. Turano, lists about 6,200 items in its 269 pages. It is well indexed and has a detailed table of contents that should aid the researcher in locating items. Unfortunately, the table of contents does not include pagination, which will cause some difficulty.

The general organization of the Mich-

igan work follows that of recent bibliographies on the Illinois and New England state and local governments. Similar bibliographies also have recently been prepared in Texas, South Dakota and Washington. As such works become more general, studies on state and local government problems in the several states can be conducted more expeditiously.

With the University Bureaus

The Rutgers Bureau of Government Research has recently issued a five-year report on its research and training services to New Jersey governments. The bureau, established in 1950, has a two-fold program: (1) To conduct research studies to explore significant aspects of New Jersey state and local governments, and (2) to assist in the organization of in-service training courses, conferences and institutes for public officials, teachers and interested citizens. Bennett M. Rich is bureau director.

The Bureau of Government of the Institute of Public Administration at the University of Michigan is another of the university bureaus which conducts training courses for the state's local officials. The bureau has frequently published condensations of the proceedings of the short courses to make the discussions at the sessions generally available. Among the most recent publication of this type was the *Proceedings of the Ninth Annual Short Course for Assessing Officers*. The proceedings are published in the bureau's *Papers in Public Administration*.

In the November issue of the University of Texas Institute of Public Affairs bi-monthly newsletter, *Public Affairs Comment*, Professor Millard H. Ruud discusses the need for a "Legislative Program Review." The author argues for a more systematic review of agency programs by the legislative branch, and he

describes proposed machinery for the accomplishment of this objective.

The University of Wyoming and city of Laramie have recently announced creation of the post of research assistant in the Laramie city manager's office, as part of a new graduate program in state and local administration. The student selected for the program will work fifteen hours a week in the manager's office and will write a master's thesis on a topic selected by the manager, subject to the approval of the university's Political Science Department. The university hopes to expand the program to other Wyoming government offices.

Strictly Personal

Ben C. Belt, Houston industrialist and civic leader, has recently been chosen to head the Texas Research League in 1956. He succeeds Hines H. Baker, a founder of the League.

Dr. John Gillespie has been appointed to the directorship of the new Bureau of Government Research at the University of Massachusetts, Amherst. Dr. Gillespie formerly was training officer with the Institute of Public Affairs at the University of Texas.

The Institute of Public Administration, New York City, has announced appointment of Charles S. Ascher as an associate director. The Institute is expanding its international activities and Professor Ascher will be in charge of this work. Mr. Ascher was formerly associate director of the Public Administration Clearing House.

John G. Stutz has resigned as executive director of the League of Kansas Municipalities after serving in that capacity for 35 years. He will continue to serve the league on a part-time basis as research counsel. Allen E. Pritchard has succeeded Mr. Stutz.

Books in Review

Education

THE PUBLIC SCHOOLS AND OTHER COMMUNITY SERVICES. Edited by Theodore L. Reller. Philadelphia, The American Academy of Political and Social Science, *The Annals*, November 1955. 148 pp. \$2.00 (clothbound, \$2.50).

The November issue of the *Annals* reconsiders the frequently discussed problem of the relationship of the public school with other public services, particularly those pertaining to youth. The authors in the symposium represent many of the social sciences, although the editor is a professor of education. Separate articles are devoted to the relationship between the public schools and city planning, housing, recreation, public health, social welfare, the public library, delinquency control and occupational education. A separate section is devoted to the situation in Europe and contains articles on England, France, Netherlands, Sweden and Switzerland.

The conclusion gathered from the various articles seems to be that what is needed is better coordination between the public schools and the agencies providing other public services for children. The political scientist contributor, President Eldon L. Johnson of the University of New Hampshire, states that "The favorite educational dream of many political scientists — the complete integration of school administration and local government — will certainly not be realized in the foreseeable future, if ever."

He says there needs to be an appreciation that education as a public need and satisfaction is not fundamentally different from other public needs and satisfactions, and that the average citizen is well aware of the need for closer cooperation and coordination. "The people who apparently do not understand this are, strangely enough, the school officials and the government officials." President Johnson concludes his article by stating, "When

city and local government becomes more professionalized, as it inevitably will, just as the schools have become more professionalized, coordination will be much simpler. The old fear of having the schools in 'politics' will be assuaged, a more positive approach will be assured, and a combined effort of schools and government toward problems they face separately but must solve cooperatively, will be, at last, both possible and politic."

S.K.G.

Public Works

PUBLIC WORKS AND EMPLOYMENT: FROM THE LOCAL GOVERNMENT POINT OF VIEW. A Report of the W. E. Upjohn Institute for Community Research. By Eugene C. McKean and Harold C. Taylor. Chicago, Public Administration Service, 1955. 274 pp. \$5.00.

Long range public works programs have been advocated as a counter-measure to declines in the nation's employment. In *Public Works and Employment*, McKean and Taylor examine the arguments for such programs in state and local governments and attempt to determine their validity. The authors conclude that such programs have (1) a negligible effect on the nation's economy as a whole, and (2) do not offer any real prospect for providing the levels of employment necessary to make a major contribution toward either halting a depression or materially aiding in recovery.

On the other hand, it is argued that state and local governments can make a contribution by maintaining normal levels of government service and public employment. During the 30s the tendency was to reduce public service and thereby further add to public distress. In addition, it is contended that public works programs may be stabilized by reliance upon current revenues for financing in boom times and borrowing substituted in periods of economic decline. This approach is desirable because it is not pos-

sible to postpone needed capital construction in the face of the continuing needs of an expanding population.

Public officials and laymen will find this volume stimulating and enlightening. It examines the purposes of state and local public works programs and what their impact upon our economic life is likely to be, based upon past and present experience.

ALVIN K. PETERJOHN

Institute of Public Administration

Law Reform

THE CHALLENGE OF LAW REFORM. By Arthur T. Vanderbilt. Princeton (New Jersey), Princeton University Press, 1955. 194 pp. \$3.50.

As the widely heralded leader of the sweeping effort which reformed the jumbled and antiquated judicial system of New Jersey, Mr. Vanderbilt, Chief Justice of its Supreme Court, has condensed into this little volume of compact and trenchant lectures the wisest criticisms of our state court systems and procedures that has been written since a certain wise and penetrating essay by Roscoe Pound 40 years ago.

It ought to be required reading for the members of state constitutional conventions from this time on. It comes as a fresh breeze into such discussions with the impetus of New Jersey's outstanding success in court reformation to support it.

R.S.C.

Legal Experience

NIMLO MUNICIPAL LAW REVIEW (successor to *Municipalities and the Law in Action*). A Record of Municipal Legal Experience in 1954. Proceedings of the 1954 Annual Conference of the National Institute of Municipal Law Officers. Edited by Charles S. Rhyne and Brice W. Rhyne. Washington 6, D. C., National Institute of Municipal Law Officials, 1955. 430 pp. \$10.

This volume contains the proceedings

of the eighteenth annual conference of the National Institute of Municipal Law Officers. As in the past, it has been prepared as a ready reference work for the municipal law officer to find out what other cities have done, are doing, or plan to do. It contains the major speeches presented at the 1954 conference and about 25 committee reports on specialized subjects. The committee reports cover such problem areas as federal-city relations, civil defense, public housing, urban redevelopment, public utilities, city-state relationships, intermunicipal cooperation, taxation and civil liberties.

One of the highlights of the 1954 conference was the NIMLO resolution opposing amendments to the Natural Gas Act, which it was claimed would weaken the FPC's control over natural gas rates. The debate on this resolution is included in the volume, and persons following the debate on this subject at this session of Congress will find it most informative.

S.K.G.

Additional Books and Pamphlets

Adult Education

IN QUEST OF KNOWLEDGE. A Historical Perspective on Adult Education. By C. Hartley Grattan. New York, Association Press, 1955. xiv, 337 pp. \$4.75.

LOCAL AUTHORITIES AND ADULT EDUCATION. By W. G. Stone. The Hague, Netherlands, International Union of Local Authorities, 1955. 64 pp.

Assessment

PROGRESS IN ASSESSMENT ADMINISTRATION — A CASE STUDY. By James W. Martin. Chicago, National Association of Assessing Officers, 1955. 21 pp.

SHOPPING CENTER — ANALYSIS AND APPRAISAL FOR ASSESSMENT PURPOSES. By Charles R. Bartlett and James S. Rifenburg. Chicago, National Association of Assessing Officers, 1955. 26 pp.

Biography

LIFE WITH FIORELLO. [Fiorello LaGuardia] By Ernest Cuneo. New York, Macmillan Company, 1955. xiv, 209 pp. \$4.00.

Business District

A STUDY OF THE CENTRAL BUSINESS DISTRICT. By M. J. Rody and Herbert H. Smith. Princeton (New Jersey), Borough Planning Board, 1955. 56 pp.

Education

CRISIS IN THE CLASSROOM. A Guide for Study Groups on Attacks Against Public Education. New York, American Jewish Congress, 1955. 54 pp. 40 cents. (Discounts on quantity orders.)

FEDERAL AID TO EDUCATION — BOON OR BANE? By Roger A. Freeman. Washington, D. C., American Enterprise Association, 1955. 61 pp. \$1.00. (Discounts on quantity orders.)

Fire

THE SYRACUSE FIRE ALARM SYSTEM — From Telegraph to Telephone. Syracuse, New York, The Bureau of Municipal Research, 1955. 33 pp.

Home Rule

AN ANALYSIS OF AMENDMENTS NUMBER 6 [local government officers] AND NUMBER 7 [home rule] TO THE TENNESSEE CONSTITUTION, Adopted November 3, 1953. By P. Cliff Greenwood and Victor C. Hobday. Knoxville, University of Tennessee, Bureau of Public Administration, 1954. 112 pp.

Housing

HUMAN RELATIONS IN INTERRACIAL HOUSING. A Study of the Contact Hypothesis. By Daniel M. Wilner, Rosabelle Price Walkley and Stuart W. Cook. Minneapolis, University of Minnesota Press, 1955. xv, 167 pp. \$4.00.

Judiciary

THE CITIZENS AND THE COURTS. A Report by the Special Committee on the

Administration of Justice on a Proposed Simplified Statewide Court System. New York, The Association of the Bar of the City of New York, 1955. 29 pp.

Local Authorities

LOCAL AUTHORITIES AND EUROPE. By Pierre Wigny, H. J. von Merkatz and Peter Smithers. The Hague, Netherlands, International Union of Local Authorities, 1955. 40 pp.

Metropolitan Areas

METRO'S PROGRESS. (An Address to the Toronto Real Estate Board.) By Frederick G. Gardiner. Toronto, Canada, Metropolitan Toronto Council, 1955. 15 pp.

THE NEED FOR A METROPOLITAN-AREA APPROACH TO THE FIVE-COUNTY KANSAS CITY URBANIZED AREA. Kansas City, Missouri, Community Studies, 1954. 57 pp.

Pay Roll

PAY ROLL PRACTICES OF LOCAL GOVERNMENTS. Chicago, Municipal Finance Officers Association of the United States and Canada, September 16, 1955. 10 pp. 75 cents.

Planning

PLANNING FOR THE ECONOMIC GROWTH OF SOUTHERN CALIFORNIA. First Annual Conference, Southern California Planning Institute. Edited by Ernest A. Engelbert. Berkeley, University of California, California Chapter of the American Institute of Planners, 1955. 118 pp. \$2.00.

President

PRESIDENTIAL NOMINATING PATTERNS. By Paul T. David and Ralph M. Goldman. Washington 6, D. C., The Brookings Institution, 1955. 15 pp. (Single copies free, five copies or more 25 cents each.)

Salaries

1955 SUPPLEMENT TO THE SURVEY OF WAGE AND SALARY PROGRAMS IN THE

MUNICIPALITIES OF ALLEGHENY COUNTY. Pittsburgh, University of Pittsburgh, Institute of Local Government, 1955. 38 pp. 50 cents.

Swimming Pools

SWIMMING POOLS. Proceedings 1955 Short Course for Swimming Pool and Bathing Beach Operators. Madison, League of Wisconsin Municipalities, 1955. 43 pp. \$1.00.

Taxation and Finance

EARMARKED STATE TAXES.¹ New York, The Tax Foundation, 1955. 71 pp.

GOVERNMENT FINANCES IN 1965. New York, The Tax Foundation, 1955. 43 pp.

THE HISTORY AND PHILOSOPHY OF TAXATION. A Conference held at the College of William and Mary in Virginia April 15, 1955. Williamsburg (Virginia), the College of William and Mary, 1955. viii, 95 pp. \$1.00.

MOTOR VEHICLE TAXATION. Chicago, National Association of Assessing Officers, 1955. 21 pp.

THE NATIONAL FINANCES. An Analysis of the Programme of Revenues and Expenditures of the Government of Canada 1955-56. Toronto 2B, Ontario, Canadian Tax Foundation, 1955. vi, 120 pp.

TAX POLICY IN 1956. A Statement by the Program Committee. New York, Committee for Economic Development, 1955. 16 pp.

¹ See page 88, this issue.

Text Books

UNDERSTANDING OUR GOVERNMENT. By George G. Bruntz. Boston, Ginn and Company, 1955. viii, 550 pp. \$4.00.

Traffic

USE OF POISSON DISTRIBUTION IN HIGHWAY TRAFFIC. By Daniel L. Gerlough. THE PROBABILITY THEORY APPLIED TO DISTRIBUTION OF VEHICLES ON TWO-LANE HIGHWAYS. By André Schuhl. Saugatuck, Connecticut, The Eno Foundation for Highway Traffic Control, 1955. 79 pp.

Traffic Safety

OPERATION SAFETY FOR HIGH SCHOOL STUDENT COUNCILS AND GROUPS. School Year 1955-1956. A program kit on traffic safety activities. Chicago, National Safety Council, 1955. Various pages.

Transit

A BUSINESS MAN LOOKS AT TRANSIT. By Boyd T. Barnard. Washington 6, D. C., Urban Land Institute, *Urban Land*, November 1955. 6 pp. \$1.00.

Urban Renewal

PUBLICATIONS RELATING TO URBAN RENEWAL FOR THE YEAR ENDING NOVEMBER 1955 WITH A SPECIAL SECTION ON WASHINGTON, D. C., AND VICINITY. (To supplement the *Urban Renewal Bibliography*, New York, American Council to Improve our Neighborhoods, 1955.) Washington, D. C., The Public Library of the District of Columbia, 1955. 23 pp.

AWARDS

(Continued from page 50)

Governor Arthur B. Langlie of Washington spoke at the ceremonies at which Pendleton Miller, president of the Municipal League of Seattle and King County, presented the certificate to Mayor Melvin Love of Bellevue, Washington.

The All-America certificate won by Riverside, California, was presented by Ewart W. Goodwin, NML Council member, at a reception and dinner at the Mission Inn.

Name Buttenheim Editor Emeritus

Harold S. Buttenheim, for 44 years editor of *The American City* and long associated with the National Municipal League and other civic organizations and activities, has become editor emeritus, it was announced in the January issue of the magazine.



Harold S. Buttenheim

Mr. Buttenheim, who is 79, is an honorary vice president of the League. He has served at various times as member of the Council and with a number of committees. He is known widely not only for his success as editor but also for his leadership of improvement efforts in planning, housing and general civic fields.



Presentation ceremony reached citizens of Savannah, Georgia, over WTQC-TV. Photo shows, left to right, T. G. Gignilliat, Savannah Historical Society; L. C. McClurkin, Savannah District Authority; Gene Herrick, of "Look," speaking; George Gallup, NML president; Mrs. Dell Brooks, League of Women Voters; and Hansell Hillyer, president, United Community Appeal.

Charles P. Taft Cincinnati Mayor

Charles P. Taft, NML regional vice president, was chosen mayor of Cincinnati at the organization meeting of the newly elected city council.

Previously Mr. Taft had served for nine years in the city council but had not sought election in recent years during which he served as president of the National Council of Churches of Christ in the United States and had run for the office of governor of Ohio.



Charles P. Taft

He was one of five candidates elected to the nine-man city council with the support of the City Charter Committee.

Brazil Holds Own Contest Patterned on All-America

The League's All-America Cities awards project has won that sincerest form of flattery, imitation, in Brazil.

In August, President Joao Cafe Filho presented diplomas of honor to representatives of the five winners of Brazil's first competition—the cities of Adamantina, Araras, Blumenau, Londrina and Mutuipe.

The Brazilian contest was co-sponsored by the Public and Business Administration of the United States Operations Mission to Brazil, by *O Cruzeiro*, leading magazine, and by the Brazilian Institute of Municipal Administration.

In Brazil the awards are made to officials for exceptional progress, while the original United States awards, now co-sponsored by the League and *Look* magazine, are for progress achieved by intelligent citizen action.

After the panel of judges had narrowed the Brazilian entries to ten, the sponsors sent an inspection team on a 6,000-mile journey to have a first-hand

look at the semi-finalists. The team used eleven different kinds of vehicles. To reach Mutuipe, a *município* of 11,000, of whom about 2,000 live in the town proper, the investigators had to travel the last fifteen miles on a small handcar which was propelled by four barefoot pushers instead of handles. They rode into town grandly perched on the little flat car in arm chairs commandeered from the mayor's office.

Mutuipe is reported to be contemplating the erection of a monument to commemorate its victory.

The P. & B. A. staff of the mission, which guided the conduct of the competition, is directed by Dr. Elwyn A. Mauck, educator and former director of the Maryland Fiscal Research Bureau, who for twelve years edited the REVIEW's County and Township section. Dr. Mauck served on the All-America Cities first jury in 1949. His staff obtained basic materials from the League when planning the Brazilian contest.

Awards, called Diplomas of Honor, were presented to representatives of the winning cities by President Joao Cafe Filho (dark suit, holding cigarette) at Catete Palace, Brazil's White House. The woman beside the President is Dona Amelia Whitaker Gondim de Oliveira, president of "O Cruzeiro" magazine, co-sponsor of the contest.



Tools for Achieving Better Government

Citizen groups often turn to the League for help in achieving better government in their locality. Listed below are some of the tools available to them:

Campaign Pamphlets

Story of the Council-Manager Plan, 36 pages (1955).....	\$.20
Charts: Council-manager Form, Commission Form, Mayor-council Form (17½ x 22½"), 50 cents each, set of three.....	1.00
County Manager Plan, 24 pages (1950).....	.20
Forms of Municipal Government—How Have They Worked? 20 pages (1955).....	.25
Facts About the Council-Manager Plan, 8 pages (1954).....	.05
City Employees and the Manager Plan, 4 pages (1952).....	.05
Labor Unions and the Council-Manager Plan, 8 pages (1955).....	.05
P. R., 12 pages (1955).....	.05
The Citizen Association—How to Organize and Run It, 64 pages (1953)	.75
The Citizen Association—How to Win Civic Campaigns, 64 pages (1953)75
(The two pamphlets above may be purchased together for \$1.20)	

Model Laws

Model Accrual Budget Law, 40 pages (1946).....	.75
Model Cash Basis Budget Law, 42 pages (1948).....	.75
Model City Charter, 173 pages (1941).....	1.50
Model County and Municipal Bond Law, 54 pages (1953).....	1.00
Model County Charter (New edition in preparation.).....	1.50
Model Direct Primary Election System, 48 pages (1951).....	1.00
Model Investment of State Funds Law, 23 pages (1954).....	1.00
Model Real Property Tax Collection Law, 40 pages (1954).....	1.00
Model State and Regional Planning Law (1954).....	1.00
Model State Civil Service Law, 32 pages (1953).....	.75
Model State Constitution, 72 pages (1948)	1.00
Model State Medico-legal Investigative System, 39 pages (1954).....	.50
Model Voter Registration System, 56 pages (1954).....	1.00

Other Pamphlets and Books

American County—Patchwork of Boards, 24 pages (1946).....	.35
Best Practice Under the Manager Plan, 8 pages (1954).....	.15
Civic Victories, by Richard S. Childs, 367 pages (1952).....	1.50
Coroners in 1953—A Symposium of Legal Bases and Actual Practices, 90 pages, mimeographed (1955).....	2.00
Digest of County Manager Charters and Laws; 70 pages (1955).....	2.00
Guide for Charter Commissions, 44 pages (1952).....	.75
Guide to Community Action, by Mark S. Matthews, 448 pages (1954)....	4.00
Manager Plan Abandonments, by Arthur W. Bromage, 36 pages (1954) ..	.50
The Metropolitan Problem—Current Research, Opinion, Action, by Guthrie S. Birkhead (reprinted from NATIONAL MUNICIPAL RE- VIEW), 12 pages (1953).....	.25
New Look at Home Rule, by Benjamin Baker etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1955).....	.50
Proportional Representation—Illustrative Election, 8 pages (1951).....	.10
Proportional Representation—Key to Democracy, by George H. Hallett, Jr., 177 pages (1940).....	.25
Save Our Cities, by Joseph E. McLean etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1954).....	.35

Discount on Quantity Orders — Write for Complete List and Description.

National Municipal League

Carl H. Pforzheimer Building

47 East 68th Street, New York 21, N. Y.

LIGHT UP AMERICA...
IT'S DARKER THAN YOU THINK!

Someone will get credit for lighting this street. Who will it be?

Pretty soon something's bound to happen on a dark street like this, and when it does, someone will spearhead a drive for good public lighting. He'll get what he's after, too, because who casts a vote for darkness?

And when the lights come on, business picks up, accident rates drop, there's less crime, property values increase. Streets *look* safe and prosperous—and they *are*.

The cost? Good street lighting is the least expensive capital improvement you could sponsor for your community.

"*Out of Darkness*," a new, dramatic film story of how one community met its street-lighting problems, is now available to civic groups, community service organizations, etc. This 16-mm, sound, black-and-white movie runs 26 minutes. Borrow a print of "Out of Darkness" from your nearest G-E Apparatus Sales Office.

Section C488-13
General Electric Company
Schenectady 8, N. Y.

Please send me a free copy of the 16-page bulletin, "Residential Street Lighting," GEA-6316.

Name

Street

City and State

Progress Is Our Most Important Product

GENERAL  ELECTRIC